

JUDICIARY
Summary: FY 2010-11 Conference Report
HB 5883 CR-1



Analyst: Ben Gielczyk

	FY 2009-10 YTD	FY 2010-11 Executive	FY 2010-11 House	FY 2010-11 Senate	FY 2010-11 Conference	Difference: Conference From FY 2009-10 YTD	
						Amount	%
IDG/IDT	\$3,553,500	\$3,553,500	\$3,553,500	\$3,573,500	\$3,573,500	\$20,000	0.6
Federal	5,126,500	5,376,500	5,376,500	5,539,500	5,539,500	413,000	8.1
Local	6,149,300	6,340,400	6,340,400	6,252,200	6,252,200	102,900	1.7
Private	842,500	842,500	842,500	842,500	842,500	0	0.0
Restricted	89,957,700	89,979,800	89,979,800	92,558,000	92,078,000	2,120,300	2.4
GF/GP	153,132,800	152,731,100	154,180,600	151,573,100	152,073,100	(1,059,700)	(0.7)
Gross	\$258,762,300	\$258,823,800	\$260,273,300	\$260,338,800	\$260,358,800	\$1,596,500	0.6
FTEs	491.0	491.0	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 Senate GF/GP assumes a \$2.7 million transfer from the Juror Compensation Fund Reimbursement Fund to the Court Equity 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.

Major Budget Changes From FY 2009-10 YTD Appropriations

		FY 2009-10 YTD	Conference Change From YTD
1. Juror Compensation Reimbursement Fund Transfer	Gross	N/A	\$0
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 Court Equity Fund (CEF). The transfer to the CEF reduces the general fund portion of the CEF. The general fund savings in the CEF are then spread to various line items to offset FY 2010-11 Executive Recommendation. Supreme Court Administration (\$485,000), Judicial Institute (\$96,500), Supreme Court Administrative Office (\$266,200), Judicial Information Systems (\$113,700), Foster Care Review Board (\$33,900), Drug Treatment Courts (\$29,900), Court of Appeals (\$795,300), Judicial Tenure Commission (\$38,700), Appellate Public Defender (\$176,500), Appellate Assigned Counsel (\$31,800), and Court Equity Reimbursements (\$520,000). Also includes \$20,000 from JCRF to fund Community Court program.	Restricted	N/A	2,607,500
	GF/GP	N/A	(\$2,607,500)
2. Community Court Pilot Program	Gross	N/A	\$20,000
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 Court Equity Fund.	GF/GP	N/A	\$20,000
3. Court of Appeals	Gross	\$18,414,300	\$0
Reduces Court Filing/Motion fees by \$500,000 and increases General Fund by \$500,000 to offset some of the shortage in filing fee revenue for the Court of Appeals.	Restricted	2,036,300	(500,000)
	GF/GP	\$16,378,000	\$500,000

<u>Major Budget Changes From FY 2009-10 YTD Appropriations</u>		<u>FY 2009-10 YTD</u>	<u>Conference Change From YTD</u>
4. High Risk Offender Assessment and Treatment Pilot Program Removes \$980,000 IDG from the Department of Corrections for the pilot program targeting the assessment and treatment of high risk offenders. IDG was in the State Court Administrative Office line item.	Gross IDG	\$980,000 \$980,000	(\$980,000) (\$980,000)
5. Drug Court Mental Health Services Appropriates \$1.0 million IDG from the Department of Corrections to support mental health services for Drug Court participants.	Gross IDG	N/A N/A	\$1,000,000 \$1,000,000
6. State Court Administrative Office Federal Grants Increases Health and Human Services Access and Visitation Grant by \$163,000 to reflect available federal revenue.	Gross Federal	\$387,000 \$387,000	\$163,000 \$163,000
7. Circuit Court Judgeships 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.	Gross GF/GP	N/A N/A	(\$240,700) (\$240,700)
8. State Appellate Defender Office (SADO) Federal Grants Increases appropriation by \$250,000 due to a continuation of Federal grant awards received by SADO.	Gross Federal GF/GP	N/A N/A N/A	\$250,000 250,000 \$0
9. Cost of Living Increase Removal Reduces various line items by a total of \$1.3 million Gross (\$1.2 GF/GP) to remove the cost of living adjustment in the Executive Recommendation.	Gross Local Restricted GF/GP	N/A N/A N/A N/A	(\$1,255,500) (88,200) (9,300) (\$1,158,000)
10. Economics Funds economic adjustments as follows:	Gross Federal Local Private Restricted GF/GP	N/A N/A N/A N/A N/A N/A	\$2,639,700 0 191,100 0 22,100 \$2,426,500
<ul style="list-style-type: none"> Salaries/wages increase: \$936,300 gross, \$863,700 GF/GP Defined Contribution (new judges): \$71,300 gross and GF/GP OASI, social security (judges): (\$76,400) gross and GF/GP Insurance: \$537,300 gross, \$488,900 GF/GP 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**, **Senate**, and **Conference** retained current year language for each section.

Sec. 216. Policy Change Report Requirement – DELETED

Requires judicial branch to report by April 1, 2011, 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. **Executive** and **House** deleted. **Senate** retained. **Conference** deleted.

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 one person to attend. **Executive** and **House** deleted. **Senate** retained. **Conference** deleted.

Major Boilerplate Changes From FY 2009-10

Sec. 220. Supreme Court Satellite Offices - DELETED

Indicates legislative intent that the Supreme Court retain its satellite offices. **Executive, House, Senate, and Conference** deleted.

Sec. 222. Court of Appeals Restricted Funding - NOT INCLUDED

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. **House** added as new language. **Executive, Senate, and Conference** did not include.

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. **Senate** modified to provide for a transfer of \$2.7 million in JCRF funding to the Court Equity Fund. **Conference** modified to provide for a transfer of \$2.6 million in JCRF funding to the Court Equity Fund.

Sec. 224. Budgetary Savings - NOT INCLUDED

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. **House** included as new language. **Executive, Senate, and Conference** did not include.

Sec. 304. Auditor General – DELETED

Requires judicial branch to cooperate with the auditor general in audits of judicial branch. **Executive and House** deleted. **Senate** retained. **Conference** deleted.

Sec. 305. Expenditure and Revenue Reports – DELETED

Requires quarterly financial reports on judiciary budget revenue and expenditure. **Executive and House** deleted. **Senate** retained. **Conference** deleted.

Sec. 312. Parental Rights Restoration Act Report – RETAINED

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. **Executive and House** deleted. **Senate and Conference** retained.

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. **Executive and House** deleted. **Senate** retained. **Conference** deleted.

Sec. 318. Intensive Probation Pilot Program - DELETED

Establishes an intensive probation pilot program with an IDG from the Department of Corrections. **Executive** retained. **House, Senate, and Conference** deleted.

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. **House** added as new language. **Executive and Senate** did not include. **Conference** included.

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. **Executive, House, Senate, and Conference** deleted.

Sec. 320. Mental Health Services - NEW

Provides that \$1.0 million of the IDG from the Department of Corrections shall be allocated for Drug Court mental health treatment services. **Executive and House** did not include. **Senate** added as new language. **Conference** concurred with Senate.