SUBSTITUTE FOR

HOUSE BILL NO. 4105

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2016; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the judiciary for the fiscal year ending September 30, 2016, from the following funds:

JUDICIARY

APPROPRIATION SUMMARY

Full-time equated exempted positions..... 489.0

GROSS APPROPRIATION..... $ 284,651,400

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

1 transfers		2,362,900
2 ADJUSTED GROSS APPROPRIATION	$	282,288,500
3 Federal revenues:		
4 Total federal revenues		6,428,600
5 Special revenue funds:		
6 Total local revenues		7,229,000
7 Total private revenues		942,900
8 Total other state restricted revenues		84,245,800
9 State general fund/general purpose	$	183,442,200

10 **Sec. 102. SUPREME COURT**

11 Full-time equated exempted positions..... 246.0

12 Supreme court administration--92.0 FTE positions	$	13,338,700
13 Judicial institute--13.0 FTE positions		2,159,100
14 State court administrative office--61.0 FTE positions		11,832,000
15 Judicial information systems--22.0 FTE positions		3,057,700
16 Direct trial court automation support--44.0 FTE		
17 positions		7,229,000
18 Foster care review board--10.0 FTE positions		1,285,900
19 Community dispute resolution--3.0 FTE positions		2,366,800
20 Other federal grants		275,100
21 Drug treatment courts		10,958,000
22 Mental health courts and diversion services--1.0 FTE		
23 position		5,334,700
24 Veterans courts		500,000
25 Swift and sure sanctions program		4,250,000
26 Next generation Michigan court system		4,116,000
27 GROSS APPROPRIATION	$	66,703,000

1 Appropriated from:

2 Interdepartmental grant revenues:

3 IDG from department of state police	1,500,000
4 IDG from department of corrections	50,000
5 IDG from state police - Michigan justice training fund	339,200
6 Federal revenues:	
7 DOJ, victims assistance programs	56,500
8 DOJ, drug court training and evaluation	300,000
9 DOT, National Highway Traffic Safety Administration	2,203,500
10 HHS, access and visitation grant	612,200
11 HHS, children's justice grant	229,400
12 HHS, court improvement project	1,290,500
13 HHS, title IV-D child support program	1,009,700
14 HHS, title IV-E foster care program	386,500
15 Other federal grant revenues	275,100
16 Special revenue funds:	
17 Local - user fees	7,229,000
18 Private	188,100
19 Private - interest on lawyers trust accounts	258,600
20 Private - state justice institute	413,600
21 Community dispute resolution fund	2,366,800
22 Court of appeals filing/motion fees	1,641,800
23 Law exam fees	639,100
24 Drug court fund	1,920,500
25 Miscellaneous revenue	270,600
26 Justice system fund	566,800
27 State court fund	377,100

1 State general fund/general purpose ..... $ 42,578,400

2 **Sec. 103. COURT OF APPEALS**

3 Full-time equated exempted positions..... 175.0

4 Court of appeals operations--175.0 FTE positions ..... $ 22,606,900

5 GROSS APPROPRIATION..... $ 22,606,900

6 Appropriated from:

7 State general fund/general purpose ..... $ 22,606,900

8 **Sec. 104. BRANCHWIDE APPROPRIATIONS**

9 Full-time equated exempted positions..... 4.0

10 Branchwide appropriations--4.0 FTE positions ..... $ 8,550,400

11 GROSS APPROPRIATION..... $ 8,550,400

12 Appropriated from:

13 State general fund/general purpose ..... $ 8,550,400

14 **Sec. 105. JUSTICES' AND JUDGES' COMPENSATION**

15 Full-time judges positions 593.0

16 Supreme court justices' salaries--7.0 justices ..... $ 1,152,300

17 Court of appeals judges' salaries--27.0 judges 4,087,900

18 District court judges' state base salaries--243.0

19 judges 22,489,200

20 District court judicial salary standardization 11,111,000

21 Probate court judges' state base salaries--103.0

22 judges 9,627,900

23 Probate court judicial salary standardization 4,669,600

24 Circuit court judges' state base salaries--213.0

25 judges 20,064,100

26 Circuit court judicial salary standardization 9,739,200

27 Judges' retirement system defined contributions 4,425,800

1 OASI, social security..... 5,736,600
2 GROSS APPROPRIATION..... $ 93,103,600
3 Appropriated from:
4 Special revenue funds:
5 Court fee fund..... 2,988,100
6 State general fund/general purpose..... $ 90,115,500
7 **Sec. 106. JUDICIAL AGENCIES**
8 Full-time equated exempted positions..... 7.0
9 Judicial tenure commission--7.0 FTE positions..... $ 1,115,200
10 GROSS APPROPRIATION..... $ 1,115,200
11 Appropriated from:
12 State general fund/general purpose..... $ 1,115,200
13 **Sec. 107. INDIGENT DEFENSE - CRIMINAL**
14 Full-time equated exempted positions..... 57.0
15 Appellate public defender program--51.0 FTE positions $ 7,857,800
16 Michigan indigent defense commission--6.0 FTE
17 positions 996,700
18 GROSS APPROPRIATION..... $ 8,854,500
19 Appropriated from:
20 Interdepartmental grant revenues:
21 IDG from state police - Michigan justice training fund 473,700
22 Federal revenues:
23 Other federal grant revenues..... 65,200
24 Special revenue funds:
25 Private - interest on lawyers trust accounts..... 82,600
26 Miscellaneous revenue..... 132,900
27 State general fund/general purpose..... $ 8,100,100

1 **Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE**

2 Indigent civil legal assistance ..... $ 7,937,000

3 GROSS APPROPRIATION ..... $ 7,937,000

4 Appropriated from:

5 Special revenue funds:

6 State court fund 7,937,000

7 State general fund/general purpose ..... $ 0

8 **Sec. 109. TRIAL COURT OPERATIONS**

9 Court equity fund reimbursements ..... $ 60,815,700

10 Judicial technology improvement fund 4,815,000

11 Drug case-flow program 250,000

12 Drunk driving case-flow program 3,300,000

13 Juror compensation reimbursement 6,600,000

14 Statewide e-file system 100

15 GROSS APPROPRIATION ..... $ 75,780,800

16 Appropriated from:

17 Special revenue funds:

18 Court equity fund 50,440,000

19 Judicial technology improvement fund 4,815,000

20 Drug fund 250,000

21 Drunk driving fund 3,300,000

22 Juror compensation fund 6,600,100

23 State general fund/general purpose ..... $ 10,375,700

24 PART 2

25 PROVISIONS CONCERNING APPROPRIATIONS

26 FOR FISCAL YEAR 2015-2016

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 2015-2016 is $267,688,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2015-2016 is $137,079,400.00. 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		10,658,000
Mental health courts and diversion services		5,222,800
Veterans courts		500,000
Swift and sure sanctions program		4,150,000
Next generation Michigan court system		4,116,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements	$	60,815,700
Judicial technology improvement fund		4,815,000
Drunk driving case-flow program		3,300,000
Drug case-flow program		250,000
Juror compensation reimbursement		6,600,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization	$	11,111,000
Probate court judges' state base salaries		9,627,900
Probate court judicial salary standardization		4,669,600
Circuit court judicial salary standardization		9,739,200

1 Grant to OASI contribution fund, employers share,
2 social security 992,300
3 TOTAL..... $ 137,079,400
4 Sec. 202. (1) The appropriations authorized under this part
5 and part 1 are subject to the management and budget act, 1984 PA
6 431, MCL 18.1101 to 18.1594.
7 (2) Funds appropriated in part 1 to an entity within the
8 judicial branch shall not be expended or transferred to another
9 account without written approval of the authorized agent of the
10 judicial entity. If the authorized agent of the judicial entity
11 notifies the state budget director of its approval of an
12 expenditure or transfer, the state budget director shall
13 immediately make the expenditure or transfer. The authorized
14 judicial entity agent shall be designated by the chief justice of
15 the supreme court.
16 Sec. 203. As used in this part and part 1:
17 (a) "DOJ" means the United States Department of Justice.
18 (b) "DOT" means the United States Department of
19 Transportation.
20 (c) "FTE" means full-time equated.
21 (d) "HHS" means the United States Department of Health and
22 Human Services.
23 (e) "IDG" means interdepartmental grant.
24 (f) "OASI" means old age survivor's insurance.
25 (g) "Title IV-D" means the part of the federal social security
26 act, 42 USC 301 to 1397mm, pertaining to the child support
27 enforcement program.

(h) "Title IV-E" means the part of the federal social security act, 42 USC 301 to 1397mm, pertaining to the foster care program.

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. 205. It is the intent of the legislature that judges who are presiding over a hearing on a foster care case shall publicly acknowledge and request the input of the foster parent or foster parents during the hearing.

Sec. 207. If the judicial branch makes any changes to a foster care family service plan before its finalization, it is the intent of the legislature that the presiding judge provide an explanation for any changes to that plan in the court record.

Sec. 208. The reporting requirements of this part shall be completed with the approval of, and at the direction of, the supreme court, except as otherwise provided in this part. The judicial branch shall use the Internet to fulfill the reporting requirements of this part. 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. 209. (1) If funds become available in part 1 for juvenile justice vision 20/20, the state court administrative office shall implement the information technology services and projects described in subsection (2).

(2) The state court administrative office shall use the funds described in subsection (1) to implement a data exchange for use by

circuit and probate courts, private juvenile justice agencies, and the state court administrative office under the guidance of appropriate data sharing agreements that tracks statistical and demographic data on juveniles referred to the family division of the circuit court, otherwise known as the juvenile courts, after successful implementation and evaluation of the existing pilot database in Ottawa, Kalamazoo, Kent, Ionia, and Berrien Counties.

(3) It is the intent of the legislature that the purpose of the project is to implement a new juvenile justice data sharing model that will track data on juveniles referred to the courts. The project will be accomplished by local court staff, state employees, contracts with private vendors, and juvenile justice stakeholders. The total estimated cost of the project is $5,550,000.00. The tentative completion date is September 30, 2019. The data exchange shall be compatible with the Michigan statewide automated child welfare information system.

(4) If funding becomes available for the project, the state court administrative office shall submit a report by March 1 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office on the status of the implementation items described in subsections (1) and (2) should funding become available.

Sec. 211. From the funds appropriated in part 1, the state court administrative office shall evaluate programs within the department of health and human services and the department of talent and economic development to establish programmatic

connections with the participants in the swift and sure sanctions program. The purpose of this relationship is to leverage collaborations and to determine avenues of success for offenders who are eligible for state-provided programs. By March 1, the state court administrative office shall deliver guidance to courts participating in the swift and sure sanctions program under chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8, detailing the evaluations and to direct participants into available programming.

Sec. 212. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The judicial branch may electronically retain copies of reports unless otherwise required by federal and state guidelines.

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. Not later than January 1 of each year, the state court administrative office shall prepare a report on out-of-state

travel 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 dates of each travel occurrence.

(b) 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.

Sec. 219. Not later than November 30, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior 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 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 maintain a searchable website accessible by the public at no cost that includes all expenditures made by the judicial branch within a fiscal year. The posting shall include the purpose for which each expenditure is made. The judicial branch shall not provide financial information on its website under this section if

doing so would violate a federal or state law, rule, regulation, or guideline that establishes privacy or security standards applicable to that financial information.

Sec. 222. Within 14 days after the release of the executive budget recommendation, the judicial branch shall cooperate with the state budget office to provide the chairpersons of the senate and house appropriations committees, the chairpersons of the senate and house appropriations subcommittees on judiciary, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the prior 2 fiscal years.

Sec. 223. The judiciary shall maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the judiciary's performance.

Sec. 224. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2016 are $13,723,300.00. From this amount, total appropriations for judiciary pension-related legacy costs are estimated at $7,772,600.00. Total appropriations for judiciary retiree health care legacy costs are estimated at $5,950,700.00.

Sec. 225. In addition to the metrics required under section 447 of the management and budget act, 1984 PA 431, MCL 18.1447, for each new program or program enhancement for which funds in excess of $500,000.00 are appropriated in part 1, the judiciary shall provide not later than November 1 a list of program-specific

metrics intended to measure its performance based on a return on taxpayer investment. The judiciary shall deliver the program-specific metrics to members of the senate and house subcommittees that have subject matter jurisdiction for this budget, to the senate and house fiscal agencies, and to the state budget director. The judiciary shall provide an update on its progress in tracking program-specific metrics and the status of program success at an appropriations subcommittee meeting called for by the subcommittee chair.

JUDICIAL BRANCH

Sec. 301. From the funds appropriated 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.

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, $511,900.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and for costs associated with the court of claims.

Sec. 306. By February 1, the state court administrative office shall produce a statistical report, categorized by county,

regarding both the collected and uncollected amounts of restitution payments, court fees, and any other applicable judgment placed upon any person within the county reported for the years 2009 through 2014.

Sec. 307. From the funds appropriated in part 1 for mental health courts and diversion services, $1,730,000.00 is intended to address the recommendations of the mental health diversion council.

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. If an appropriation is made under this section, the state court administrative office shall notify, within 14 days of the appropriation, the senate and house standing committees on appropriations, the senate and house subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 309. By April 1, the state court administrative office shall provide a report on drug treatment, mental health, and veterans court programs in this state. The report shall include information on the number of each type of program that has been established, the number of program participants in each jurisdiction, and the impact of the programs on offender criminal involvement and recidivism. The report shall be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts as that term is defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, 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 $1,500,000.00 in Byrne formula grant funding as an interdepartmental grant from the department of 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 under that act.

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. 320. (1) From the funds appropriated in part 1 for the swift and sure sanctions program, created under section 3 of chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.3, the state court administrative office shall administer a program to distribute grants to qualifying courts in accordance with the objectives and requirements of the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8. Of the $4,250,000.00 designated for the program, not more than $100,000.00 shall be available to the state court administrative office to pay for employee costs associated with the administration of the program funds. Courts interested in participating in the swift and sure sanctions program may apply to the state court administrative office for a portion of the funds appropriated in part 1 under this section.

(2) By April 1, the state court administrative office shall provide a report on the courts that receive funding under the swift

and sure sanctions program described in subsection (1) to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director. The report shall include all of the following:

(a) The number of offenders who participate in the program.

(b) The criminal history of offenders who participate in the program.

(c) The recidivism rate of offenders who participate in the program, including the rate of return to jail, prison, or both.

(d) A detailed description of the establishment and parameters of the program.

(3) As used in this section, "program" means a swift and sure sanctions program described in subsection (1).

Sec. 321. It is the intent of the legislature that the judicial branch support a statewide legal self-help Internet website and local nonprofit self-help centers that use the statewide website to provide assistance to individuals representing themselves in civil legal proceedings. The state court administrative office shall summarize the costs of maintaining the website, provide statistics on the number of people visiting the website, and provide information on content usage, form completion, and user feedback. By March 1, the state court administrative office shall report this information for the preceding fiscal year to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director.

Sec. 322. If Byrne formula grant funding is awarded to the

state appellate defender, the state appellate defender office may receive and expend Byrne formula grant funds in an amount not to exceed $250,000.00 as an interdepartmental grant from the department of state police. If the appellate defender appointed under section 3 of the appellate defender act, 1978 PA 620, MCL 780.713, receives federal grant funding from the United States Department of Justice in excess of the amount appropriated in part 1, the office of appellate defender may receive and expend grant funds in an amount not to exceed $300,000.00 as other federal grants.

Sec. 322a. If Byrne formula grant funding is awarded to the Michigan indigent defense commission, the Michigan indigent defense commission may receive and expend Byrne formula grant funds in an amount not to exceed $250,000.00 as an interdepartmental grant from the department of state police. The Michigan indigent defense commission, created under section 5 of the Michigan indigent defense commission act, 2013 PA 93, MCL 780.985, may receive and expend federal grant funding from the United States Department of Justice in an amount not to exceed $300,000.00 as other federal grants.

Sec. 323. The state court administrative office shall provide courts with a quarterly listing of out-of-state placements of juveniles by each court. The state court administrative office shall also provide each judge who hears juvenile matters with the annual listing of per diem costs of the public and private residential care facilities located or doing business in this state, and the recidivism data for each facility, if available, as

provided by the department of health and human services. The courts shall acknowledge receipt of this information.

PART 2A

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

FOR FISCAL YEAR 2016-2017

GENERAL SECTIONS

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2017 for the line items listed in part 1. The fiscal year 2016-2017 appropriations are anticipated to be the same as those for fiscal year 2015-2016, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2016 consensus revenue estimating conference.