

**SUBSTITUTE FOR
SENATE BILL NO. 957**

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS
FOR FISCAL YEAR 2012-2013

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, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

1 APPROPRIATION SUMMARY

2	Full-time equated exempted positions.....	472.0	
3	GROSS APPROPRIATION.....		\$ 273,760,100
4	Interdepartmental grant revenues:		
5	Total interdepartmental grants and intradepartmental		
6	transfers		2,638,200
7	ADJUSTED GROSS APPROPRIATION.....		\$ 271,121,900
8	Federal revenues:		
9	Total federal revenues.....		6,017,100
10	Special revenue funds:		
11	Total local revenues.....		7,049,300
12	Total private revenues.....		921,800
13	Total other state restricted revenues.....		88,582,200
14	State general fund/general purpose.....		\$ 168,551,500
15	State general fund/general purpose schedule:		
16	Ongoing state general fund/general		
17	purpose	167,914,600	
18	One-time state general fund/general		
19	purpose	636,900	
20	Sec. 102. SUPREME COURT		
21	Full-time equated exempted positions.....	237.0	
22	Supreme court administration--92.0 FTE positions		\$ 12,701,800
23	Judicial institute--13.0 FTE positions		2,151,300
24	State court administrative office--61.0 FTE positions		13,645,900
25	Judicial information systems--22.0 FTE positions		3,498,100
26	Direct trial court automation support--36.0 FTE		
27	positions		6,970,700

1	Foster care review board--10.0 FTE positions	1,493,700
2	Community dispute resolution--3.0 FTE positions	2,350,900
3	Other federal grants.....	275,100
4	Drug treatment courts.....	13,383,000
5	Community court pilot project.....	<u>20,000</u>
6	GROSS APPROPRIATION.....	\$ 56,490,500
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from department of state police.....	1,800,000
10	IDG from department of corrections.....	50,000
11	IDG from state police - Michigan justice training fund	326,200
12	Federal revenues:	
13	DOJ, victims assistance programs.....	54,300
14	DOJ, drug court training and evaluation.....	300,000
15	DOT, national highway traffic safety administration..	1,380,900
16	HHS, access and visitation grant.....	593,800
17	HHS, children's justice grant.....	222,600
18	HHS, court improvement project.....	1,251,900
19	HHS, title IV-D child support program.....	979,700
20	HHS, title IV-E foster care program.....	625,900
21	Other federal grant revenues.....	275,100
22	Special revenue funds:	
23	Local - user fees.....	6,970,700
24	Private.....	182,500
25	Private - interest on lawyers trust accounts.....	251,100
26	Private - state justice institute.....	401,000
27	Community dispute resolution fund.....	2,350,900

1	Court filing/motion fees.....	1,641,800
2	Law exam fees.....	608,900
3	Drug court fund.....	1,920,500
4	Miscellaneous revenue.....	335,900
5	Justice system fund.....	755,400
6	State court fund.....	365,900
7	State general fund/general purpose.....	\$ 32,845,500
8	Sec. 103. COURT OF APPEALS	
9	Full-time equated exempted positions.....	175.0
10	Court of appeals operations--175.0 FTE positions.....	\$ <u>21,551,100</u>
11	GROSS APPROPRIATION.....	\$ 21,551,100
12	Appropriated from:	
13	State general fund/general purpose.....	\$ 21,551,100
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,365,400</u>
17	GROSS APPROPRIATION.....	\$ 8,365,400
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 8,365,400
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	607.0
22	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
23	Court of appeals judges' salaries--28.0 judges.....	4,240,300
24	District court judges' state base salaries--250.0	
25	judges	23,183,300
26	District court judicial salary standardization.....	11,453,900
27	Probate court judges' state base salaries--104.0	

1	judges	9,722,100
2	Probate court judicial salary standardization	4,715,300
3	Circuit court judges' state base salaries--218.0	
4	judges	20,558,100
5	Circuit court judicial salary standardization	9,979,300
6	Judges' retirement system defined contributions	3,998,400
7	OASI, social security	<u>5,559,800</u>
8	GROSS APPROPRIATION	\$ 94,562,800
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	7,090,200
12	State general fund/general purpose	\$ 87,472,600
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions	7.0
15	Judicial tenure commission--7.0 FTE positions	\$ <u>1,084,600</u>
16	GROSS APPROPRIATION	\$ 1,084,600
17	Appropriated from:	
18	State general fund/general purpose	\$ 1,084,600
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions	49.0
21	Appellate public defender program--42.0 FTE positions	\$ 6,109,300
22	Appellate assigned counsel administration--7.0 FTE	
23	positions	<u>1,032,100</u>
24	GROSS APPROPRIATION	\$ 7,141,400
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	452,900

1	Federal revenues:	
2	Other federal grant revenues	281,700
3	Special revenue funds:	
4	Private - interest on lawyers trust accounts	79,000
5	Miscellaneous revenue	127,500
6	State general fund/general purpose	\$ 6,200,300
7	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
8	Indigent civil legal assistance	\$ <u>7,937,000</u>
9	GROSS APPROPRIATION	\$ 7,937,000
10	Appropriated from:	
11	Special revenue funds:	
12	State court fund	7,937,000
13	State general fund/general purpose	\$ 0
14	Sec. 109. TRIAL COURT OPERATIONS	
15	Court equity fund reimbursements	\$ 60,835,100
16	Judicial technology improvement fund	<u>4,815,000</u>
17	GROSS APPROPRIATION	\$ 65,650,100
18	Appropriated from:	
19	Special revenue funds:	
20	Court equity fund	50,440,000
21	Judicial technology improvement fund	4,815,000
22	State general fund/general purpose	\$ 10,395,100
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
24	GOVERNMENT	
25	Drug case-flow program	\$ 250,000
26	Drunk driving case-flow program	3,300,000
27	Juror compensation reimbursement	<u>6,600,000</u>

1	GROSS APPROPRIATION.....	\$	10,150,000
2	Appropriated from:		
3	Special revenue funds:		
4	Drug fund.....		250,000
5	Drunk driving fund.....		3,300,000
6	Juror compensation fund.....		6,600,000
7	State general fund/general purpose.....	\$	0
8	Sec. 111. ONE-TIME BASIS ONLY APPROPRIATIONS		
9	State employee lump-sum payments.....	\$	<u>827,200</u>
10	GROSS APPROPRIATION.....	\$	827,200
11	Appropriated from:		
12	One-time interdepartmental grant.....		9,100
13	One-time federal revenue.....		51,200
14	One-time local revenue.....		78,600
15	One-time private revenue.....		8,200
16	One-time state restricted revenue.....		43,200
17	State general fund/general purpose.....	\$	636,900

18 PART 2

19 PROVISIONS CONCERNING APPROPRIATIONS

20 FOR FISCAL YEAR 2012-2013

21 **GENERAL SECTIONS**

22 Sec. 201. Pursuant to section 30 of article IX of the state

23 constitution of 1963, total state spending from state resources

24 under part 1 for fiscal year 2012-2013 is \$257,133,700.00 and state

25 spending from state resources to be paid to local units of

government for fiscal year 2012-2013 is \$127,604,200.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

State court administrative office.....	\$	1,611,900
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Drug treatment courts.....		13,383,000
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TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	60,835,100
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Judicial technology improvement fund.....		4,815,000
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JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,453,900
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Probate court judges' state base salaries.....		9,722,100
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Probate court judicial salary standardization.....		4,715,300
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Circuit court judicial salary standardization.....		9,979,300
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Grant to OASI contribution fund, employers share,

social security		938,600
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GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	3,300,000
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Drug case-flow program.....		250,000
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Juror compensation reimbursement.....		<u>6,600,000</u>
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TOTAL.....	\$	127,604,200
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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

1 account without written approval of the authorized agent of the
2 judicial entity. If the authorized agent of the judicial entity
3 notifies the state budget director of its approval of an
4 expenditure or transfer, the state budget director shall
5 immediately make the expenditure or transfer. The authorized
6 judicial entity agent shall be designated by the chief justice of
7 the supreme court.

8 Sec. 203. As used in this act:

9 (a) "DOJ" means the United States department of justice.

10 (b) "DOT" means the United States department of
11 transportation.

12 (c) "FTE" means full-time equated.

13 (d) "HHS" means the United States department of health and
14 human services.

15 (e) "IDG" means interdepartmental grant.

16 (f) "OASI" means old age survivor's insurance.

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

20 Sec. 208. The reporting requirements of this act shall be
21 completed with the approval of, and at the direction of, the
22 supreme court, except as otherwise provided in this act. The
23 judicial branch shall use the Internet to fulfill the reporting
24 requirements of this act. This may include transmission of reports
25 via electronic mail to the recipients identified for each reporting
26 requirement, or it may include placement of reports on an Internet
27 or Intranet site.

1 Sec. 212. The judicial branch receiving appropriations in part
2 1 shall receive and retain copies of all reports funded from
3 appropriations in part 1. Federal and state guidelines for short-
4 term and long-term retention of records shall be followed. The
5 judicial branch may electronically retain copies of reports unless
6 otherwise required by federal and state guidelines.

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

17 Sec. 215. (1) Due to the current budgetary problems in this
18 state, out-of-state travel for the fiscal year ending September 30,
19 2013 shall be limited to situations in which 1 or more of the
20 following conditions apply:

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

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

26 (c) The travel is necessary to produce budgetary savings or to
27 increase state revenues, including protecting existing federal

1 funds or securing additional federal funds.

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

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

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

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

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

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

25 (b) The destination of each travel occurrence.

26 (c) The dates of each travel occurrence.

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

1 occurrence.

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

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

9 Sec. 219. Not later than November 15, 2013, the judiciary
10 shall prepare and transmit a report that provides for estimates of
11 the total general fund/general purpose appropriation lapses at the
12 close of the fiscal year. This report shall summarize the projected
13 year-end general fund/general purpose appropriation lapses by major
14 program or program areas. The report shall be transmitted to the
15 office of the state budget, the chairpersons of the senate and
16 house appropriations committees, and the senate and house fiscal
17 agencies.

18 Sec. 221. From the funds appropriated in part 1, the judicial
19 branch shall develop, post, and maintain, on a user-friendly and
20 publicly accessible Internet site, all expenditures made by the
21 judicial branch within a fiscal year. The posting shall include the
22 purpose for which each expenditure is made. The judicial branch
23 shall not provide financial information on its website under this
24 section if doing so would violate a federal or state law, rule,
25 regulation, or guideline that establishes privacy or security
26 standards applicable to that financial information.

27 Sec. 222. Within 14 days after the release of the executive

1 budget recommendation, the judicial branch shall provide the state
2 budget director, the senate and house appropriations chairs, the
3 senate and house appropriations subcommittees on the judiciary,
4 respectively, and the senate and house fiscal agencies with an
5 annual report on estimated state restricted fund balances, state
6 restricted fund projected revenues, and state restricted fund
7 expenditures for the fiscal years ending September 30, 2012 and
8 September 30, 2013.

9 **JUDICIAL BRANCH**

10 Sec. 301. Pursuant to the appropriations in part 1, the direct
11 trial court automation support program of the state court
12 administrative office shall recover direct and overhead costs from
13 trial courts by charging for services rendered. The fee shall cover
14 the actual costs incurred to the direct trial court automation
15 support program in providing the service, including development of
16 future versions of case management systems.

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

20 Sec. 303. Of the amount appropriated in part 1 for the
21 judicial branch, \$325,000.00 is allocated for circuit court
22 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
23 \$186,900.00 is allocated for court of claims reimbursement under
24 section 6413 of the revised judicature act of 1961, 1961 PA 236,
25 MCL 600.6413.

26 Sec. 306. The supreme court and the state court administrative

1 office shall continue to maintain, as a priority, the assisting of
2 local trial courts in improving the collection of judgments.

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

9 Sec. 309. By April 1, 2013, the state court administrative
10 office shall provide an update on the status of the pilot mental
11 health courts to the state budget director, the senate and house
12 appropriations subcommittees on the judiciary, and the senate and
13 house fiscal agencies.

14 Sec. 310. From the funds appropriated in part 1 for drug
15 treatment court programs, with the approval of and at the
16 discretion of the supreme court, the state court administrative
17 office shall evaluate and collect data on the performance of drug
18 treatment court programs. The state court administrative office
19 shall provide an annual review of the performance of drug courts as
20 prescribed in section 1078(6) of the revised judicature act of
21 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
22 annual review:

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

26 (b) It shall be completed no later than April 1 of each year
27 and shall also be provided to the senate and house appropriations

1 subcommittees on the judiciary, the senate and house fiscal
2 agencies, and the state budget director.

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

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

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

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

25 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula
26 grant funding as an interdepartmental grant from the department of
27 state police to be used for expansion of drug treatment courts, to

1 assist in avoiding prison bed space growth for nonviolent offenders
2 in collaboration with the department of corrections.

3 Sec. 312. From the funds appropriated in part 1, the state
4 court administrator shall produce a statistical report regarding
5 the implementation of the parental rights restoration act, 1990 PA
6 211, MCL 722.901 to 722.908, as it pertains to minors seeking a
7 court-issued waiver of parental consent. The state court
8 administrative office shall report the total number of petitions
9 filed and the total number of petitions granted in accordance with
10 section 208.

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

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

21 Sec. 320. (1) From the funds appropriated in part 1 for drug
22 treatment courts, \$6,000,000.00, including \$1,641,800.00 from court
23 filing/motion fees and \$87,600.00 of miscellaneous revenue
24 transferred from court of appeals funding, shall be administered by
25 the state court administrative office to distribute to qualifying
26 counties to support a swift-and-sure sanctions program. Of the
27 \$6,000,000.00 designated for the swift-and-sure sanctions program,

1 up to \$100,000.00 shall be available to the state court
2 administrative office to pay for employee costs associated with the
3 administration of the program funds. A qualifying county shall
4 apply to the state court administrative office for a portion of the
5 funds appropriated in part 1.

6 (2) A qualifying county that receives funding under this
7 section shall provide a report on the program to the state budget
8 director, the senate and house appropriations subcommittees on the
9 judiciary, and the senate and house fiscal agencies. The report
10 shall include all of the following:

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

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

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

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

18 (3) As used in this section:

19 (a) "Program" means a swift-and-sure sanctions program.

20 (b) "Qualifying county" means a county that has a drug
21 treatment court or a DWI/sobriety court.

22 Sec. 321. It is the intent of the legislature that the
23 judicial branch support a statewide legal self-help Internet
24 website and local nonprofit self-help centers that use the
25 statewide website to provide assistance to individuals representing
26 themselves in civil legal proceedings.

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

1 state appellate defender, the state appellate defender office may
2 receive and expend Byrne formula grant funds in an amount not
3 exceeding \$250,000.00 as an interdepartmental grant from the
4 department of state police.

5 PART 2A
6 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS
7 FOR FISCAL YEAR 2013-2014

8 **GENERAL SECTIONS**

9 Sec. 1201. It is the intent of the legislature to provide
10 appropriations for the fiscal year ending on September 30, 2014 for
11 the line items listed in part 1. The fiscal year 2013-2014
12 appropriations are anticipated to be the same as those for fiscal
13 year 2012-2013, except that the line items will be adjusted for
14 changes in caseload and related costs, federal fund match rates,
15 economic factors, and available revenue. These adjustments will be
16 determined after the January 2013 consensus revenue estimating
17 conference.