

SUBSTITUTE FOR  
SENATE BILL NO. 1091

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2007; 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 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:

1

PART 1

2

LINE-ITEM APPROPRIATIONS

3

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, 2007, 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..... 509.0

GROSS APPROPRIATION..... \$ 257,343,400

## Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 2,563,500

ADJUSTED GROSS APPROPRIATION..... \$ 254,779,800

## Federal revenues:

Total federal revenues..... 4,626,400

## Special revenue funds:

Total local revenues..... 3,612,400

Total private revenues..... 842,500

Total other state restricted revenues..... 87,178,500

State general fund/general purpose..... \$ 158,520,100

## **Sec. 102. SUPREME COURT**

Full-time equated exempted positions..... 235.0

Supreme court administration--97.0 FTE positions..... \$ 11,156,300

Judicial institute--16.0 FTE positions..... 2,727,000

State court administrative office--62.0 FTE positions 10,446,000

Judicial information systems--18.0 FTE positions..... 3,254,300

Direct trial court automation support--26.0 FTE

positions ..... 3,612,400

1	Foster care review board--12.0 FTE positions .....	1,259,000
2	Community dispute resolution--4.0 FTE positions .....	2,277,300
3	Other federal grants .....	275,000
4	Drug treatment courts .....	<u>4,729,000</u>
5	GROSS APPROPRIATION .....	\$ 39,736,300
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of community health .....	1,800,000
9	IDG from department of career development .....	40,000
10	IDG from state police - Michigan justice training fund	300,000
11	Federal revenues:	
12	DOJ, victims assistance programs .....	50,000
13	DOJ, drug court training and evaluation .....	300,000
14	DOT, national highway traffic safety administration ..	800,000
15	HHS, access and visitation grant .....	387,000
16	HHS, children's justice grant .....	206,300
17	HHS, court improvement project .....	1,160,000
18	HHS, title IV-D child support program .....	907,700
19	HHS, title IV-E foster care program .....	540,400
20	Other federal grant revenues .....	275,000
21	Special revenue funds:	
22	Local - user fees .....	3,612,400
23	Private .....	169,000
24	Private - interest on lawyers trust accounts .....	232,700
25	Private - state justice institute .....	370,800
26	Community dispute resolution fund .....	2,277,300
27	Law exam fees .....	482,100

1	Drug court fund.....		1,920,500
2	Miscellaneous revenue.....		227,900
3	Justice system fund.....		700,000
4	State court fund.....		339,000
5	State general fund/general purpose.....	\$	22,638,200
6	<b>Sec. 103. COURT OF APPEALS</b>		
7	Full-time equated exempted positions.....	212.0	
8	Court of appeals operations--212.0 FTE positions.....	\$	19,106,600
9	Delay reduction contractual services.....		<u>100</u>
10	GROSS APPROPRIATION.....	\$	19,106,700
11	Appropriated from:		
12	Special revenue funds:		
13	Court filing/motion fees.....		1,958,500
14	Miscellaneous revenue.....		77,800
15	State general fund/general purpose.....	\$	17,070,400
16	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>		
17	Full-time equated exempted positions.....	4.0	
18	Branchwide appropriations--4.0 FTE positions.....	\$	<u>8,192,500</u>
19	GROSS APPROPRIATION.....	\$	8,192,500
20	Appropriated from:		
21	State general fund/general purpose.....	\$	8,192,500
22	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>		
23	Full-time judges positions .....	613.0	
24	Supreme court justices' salaries--7.0 justices.....	\$	1,152,300
25	Court of appeals judges' salaries--28.0 judges.....		4,240,300
26	District court judges' state base salaries--258.0		
27	judges .....		23,877,200

1	District court judicial salary standardization.....		11,796,800
2	Probate court judges' state base salaries--103.0		
3	judges .....		9,498,100
4	Probate court judicial salary standardization.....		4,599,700
5	Circuit court judges' state base salaries--217.0		
6	judges .....		20,440,400
7	Circuit court judicial salary standardization.....		9,922,100
8	New circuit judgeships effective January 2, 2007.....		479,400
9	Judges' retirement system defined contributions.....		3,065,200
10	OASI, social security.....		<u>4,948,700</u>
11	GROSS APPROPRIATION.....	\$	94,020,200
12	Appropriated from:		
13	Special revenue funds:		
14	Court fee fund.....		7,090,200
15	State general fund/general purpose.....	\$	86,930,000
16	<b>Sec. 106. JUDICIAL AGENCIES</b>		
17	Full-time equated exempted positions..... 8.0		
18	Judicial tenure commission--8.0 FTE positions.....	\$	<u>1,003,900</u>
19	GROSS APPROPRIATION.....	\$	1,003,900
20	Appropriated from:		
21	State general fund/general purpose.....	\$	1,003,900
22	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>		
23	Full-time equated exempted positions..... 50.0		
24	Appellate public defender program--42.0 FTE positions	\$	4,818,800
25	Appellate assigned counsel administration--8.0 FTE		
26	positions .....		<u>879,400</u>
27	GROSS APPROPRIATION.....	\$	5,698,200

1	Appropriated from:		
2	Interdepartmental grant revenues:		
3	IDG from state police - Michigan justice training fund		423,500
4	Special revenue funds:		
5	Private - interest on lawyers trust accounts .....		70,000
6	Miscellaneous revenue .....		113,100
7	State general fund/general purpose .....	\$	5,091,600
8	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>		
9	Indigent civil legal assistance .....	\$	<u>7,937,000</u>
10	GROSS APPROPRIATION .....	\$	7,937,000
11	Appropriated from:		
12	Special revenue funds:		
13	State court fund .....		7,937,000
14	State general fund/general purpose .....	\$	0
15	<b>Sec. 109. TRIAL COURT OPERATIONS</b>		
16	Court equity fund reimbursements .....	\$	68,033,500
17	Judicial technology improvement fund .....		<u>4,465,000</u>
18	GROSS APPROPRIATION .....	\$	72,498,500
19	Appropriated from:		
20	Special revenue funds:		
21	Court equity fund .....		50,440,000
22	Judicial technology improvement fund .....		4,465,000
23	State general fund/general purpose .....	\$	17,593,500
24	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>		
25	<b>GOVERNMENT</b>		
26	Drug case-flow program .....	\$	250,000
27	Drunk driving case-flow program .....		2,300,000

1	Juror compensation reimbursement .....	6,600,000
2	Transcript fee reimbursement .....	<u>100</u>
3	GROSS APPROPRIATION .....	\$ 9,150,100
4	Appropriated from:	
5	Special revenue funds:	
6	Drug fund .....	250,000
7	Drunk driving fund .....	2,300,000
8	Juror compensation fund .....	6,600,000
9	Transcript fee fund .....	100
10	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 2006-2007 is \$245,698,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is estimated at \$123,376,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

## JUDICIARY

## SUPREME COURT

24	State court administrative office .....	\$ 511,900
25	Drug treatment courts .....	4,429,000

1	TRIAL COURT OPERATIONS		
2	Court equity fund reimbursements.....	\$	68,033,500
3	Judicial technology improvement fund.....		4,465,000
4	JUSTICES' AND JUDGES' COMPENSATION		
5	District court judicial salary standardization.....	\$	11,796,800
6	Probate court judges' state base salaries.....		9,498,100
7	Probate court judicial salary standardization.....		4,599,700
8	Circuit court judicial salary standardization.....		9,922,100
9	New circuit judgeships effective January 2, 2007.....		137,200
10	Grant to OASI contribution fund, employers share,		
11	social security.....		833,200
12	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
13	Drunk driving case-flow program.....	\$	2,300,000
14	Drug case-flow program.....		250,000
15	Juror compensation reimbursement.....		6,600,000
16	Transcript fee reimbursement.....		<u>100</u>
17	TOTAL.....	\$	123,376,600

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

21       (2) Funds appropriated in part 1 to an entity within the  
22 judicial branch shall not be expended or transferred to another  
23 account without written approval of the authorized agent of the  
24 judicial entity. If the authorized agent of the judicial entity  
25 notifies the state budget director of its approval of an  
26 expenditure or transfer, the state budget director shall  
27 immediately make the expenditure or transfer. The authorized



1 judicial entity agent shall be designated by the chief justice of  
2 the supreme court.

3 Sec. 203. As used in this act:

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

5 (b) "DOT" means the United States department of  
6 transportation.

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

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

10 (e) "IDG" means interdepartmental grant.

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

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

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

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

1       Sec. 214. Funds appropriated in part 1 shall not be used for  
2 the purchase of foreign goods or services, or both, if  
3 competitively priced and comparable quality American goods or  
4 services, or both, are available. Preference should be given to  
5 goods or services, or both, manufactured or provided by Michigan  
6 businesses if they are competitively priced and of comparable  
7 quality.

8       Sec. 215. (1) Due to the current budgetary problems in this  
9 state, out-of-state travel for the fiscal year ending September 30,  
10 2007 shall be limited to situations in which 1 or more of the  
11 following conditions apply:

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

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

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

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

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

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

26       (2) If out-of-state travel is necessary but does not meet 1 or  
27 more of the conditions in subsection (1), the chief justice or his

1 or her designee may grant an exception to allow the travel. Any  
2 exceptions granted by the chief justice or his or her designee  
3 shall be reported on a monthly basis to the house and senate  
4 appropriations committees.

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

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

16 (b) The destination of each travel occurrence.

17 (c) The dates of each travel occurrence.

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

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

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

27 Sec. 221. By October 15, 2006, the judiciary shall provide to

1 the senate and house appropriations subcommittees on judiciary and  
2 the senate and house fiscal agencies a list of general fund/general  
3 purpose budget cuts sufficient to reduce judiciary general  
4 fund/general purpose spending by 7.93% in fiscal year 2006-2007 if  
5 the K-16 ballot initiative is adopted by the voters of the state.

6 **JUDICIAL BRANCH**

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

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

25       Sec. 302. Funds appropriated within the judicial branch shall  
26 not be expended by any component within the judicial branch without

1 the approval of the supreme court.

2       Sec. 303. Of the amount appropriated in part 1 for the  
3 judicial branch, \$325,000.00 is allocated for circuit court  
4 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
5 \$186,900.00 is allocated for court of claims reimbursement under  
6 section 6413 of the revised judicature act of 1961, 1961 PA 236,  
7 MCL 600.6413.

8       Sec. 304. As a condition of expending appropriations made  
9 under part 1, the judicial branch shall cooperate with the auditor  
10 general regarding audits of the judicial branch conducted under  
11 section 53 of article IV of the state constitution of 1963.

12       Sec. 305. As a condition of expending appropriations made  
13 under part 1, and to avoid the overexpenditure of funds  
14 appropriated under this act, the supreme court shall report  
15 quarterly to members of the senate and house appropriations  
16 subcommittees on the judiciary, the senate and house fiscal  
17 agencies, and the state budget director on the status of accounts  
18 set forth in part 1. The report required by this section shall  
19 include quarterly, year-to-date, and projected expenditures by  
20 funding source for each line item, and beginning balances and  
21 quarterly, year-to-date, and projected revenues for each source of  
22 revenue other than general fund/general purpose revenues.

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

26       Sec. 307. (1) It is the intent of the legislature that from  
27 the funds appropriated in part 1 for court of appeals operations,

1 the judiciary shall use the following revenue amounts for the  
2 purpose of delay reduction:

3 (a) \$225,000.00 of additional filing fee revenue raised from  
4 the increase from \$250.00 to \$375.00 in court of appeals filing  
5 fees under section 321(1)(a) of the revised judicature act of 1961,  
6 1961 PA 236, MCL 600.321.

7 (b) \$87,500.00 of additional fee revenue raised from the  
8 increase in court of appeals motion fees from \$75.00 to \$100.00 and  
9 from the increase from \$150.00 to \$200.00 in fees for motions for  
10 immediate consideration or expedited appeal under section 321(1)(b)  
11 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL  
12 600.321.

13 (2) It is the intent of the legislature that the judiciary  
14 shall use the funds appropriated in part 1 for delay reduction  
15 contractual services for the purpose of contracting for services to  
16 further ongoing efforts toward reducing the amount of time taken to  
17 process and dispose of appeals.

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

24 Sec. 310. From the funds appropriated in part 1 for drug  
25 treatment court programs, under the direction of the supreme court,  
26 the state court administrative office shall contract with 1 or more  
27 independent third parties for evaluation and monitoring of drug

1 court programs funded by the judiciary. The evaluation shall  
2 include measures of the impact of drug court programs in changing  
3 offender criminal involvement (recidivism) and substance abuse and  
4 in reducing prison admissions. The evaluation of a program funded  
5 with federal Byrne funds shall be consistent with any requirements  
6 contained in the federal Byrne grant for that program. Evaluations  
7 required by this section shall to the extent feasible compare  
8 offenders treated under the programs with other offenders of  
9 similar characteristics. Not later than April 1 of each year, the  
10 state court administrative office shall provide a progress report  
11 regarding the status and findings of the evaluation to the senate  
12 and house appropriations subcommittees on the judiciary, the senate  
13 and house fiscal agencies, and the state budget director.

14       Sec. 311. (1) The funds appropriated in part 1 for drug  
15 treatment courts shall be administered by the state court  
16 administrative office to operate drug treatment court programs. A  
17 drug treatment court program shall not receive funds for more than  
18 5 years. A drug treatment court shall be responsible for handling  
19 cases involving substance abusing nonviolent offenders through  
20 comprehensive supervision, testing, treatment services, and  
21 immediate sanctions and incentives. A drug treatment court shall  
22 use all available county and state personnel involved in the  
23 disposition of cases including, but not limited to, parole and  
24 probation agents, prosecuting attorneys, defense attorneys, and  
25 community corrections providers. The funds may be used in  
26 connection with other federal, state, and local funding sources.

27       (2) Local units of government are encouraged to refer to

1 federal drug treatment court guidelines to prepare proposals.  
2 However, federal agency approvals are not required for funding  
3 under this section.

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

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

11 (5) The judiciary shall receive \$1,800,000.00 in Byrne formula  
12 grant funding as an interdepartmental grant from the department of  
13 community health to be used for expansion of drug treatment courts,  
14 to assist in avoiding prison bed space growth for nonviolent  
15 offenders in collaboration with the department of corrections.

16 Sec. 312. From the funds appropriated in part 1, the state  
17 court administrator shall produce a statistical report regarding  
18 the implementation of the parental rights restoration act, 1990 PA  
19 211, MCL 722.901 to 722.908, as it pertains to minors seeking a  
20 court-issued waiver of parental consent. The state court  
21 administrative office shall report the total number of petitions  
22 filed and the total number of petitions granted in accordance with  
23 section 208.

24 Sec. 317. From the funds appropriated in part 1 for transcript  
25 fee reimbursement, the judiciary shall reimburse counties for  
26 additional costs incurred in the event of a statutory increase in  
27 transcript fees under section 2543 of the revised judicature act of



1 1961, 1961 PA 236, MCL 600.2543.