

SENATE BILL No. 1091

February 28, 2006, Introduced by Senators PRUSI and EMERSON and referred to the Committee on Appropriations.

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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill,
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..... \$ 258,248,700

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 2,563,500

ADJUSTED GROSS APPROPRIATION..... \$ 255,685,200

Federal revenues:

Total federal revenues..... 3,926,400

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..... \$ 160,125,400

Sec. 102. SUPREME COURT

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

Supreme court administration--97.0 FTE positions..... \$ 11,361,800

Judicial institute--16.0 FTE positions..... 2,756,500

State court administrative office--62.0 FTE positions 10,562,100

Judicial information systems--18.0 FTE positions..... 2,591,100

Direct trial court automation support--26.0 FTE

positions 3,612,400

Foster care review board--12.0 FTE positions..... 1,277,800

1	Community dispute resolution--4.0 FTE positions	2,277,300
2	Other federal grants	275,000
3	Drug treatment courts	<u>4,729,000</u>
4	GROSS APPROPRIATION	\$ 39,443,000
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG from department of community health	1,800,000
8	IDG from department of labor and economic growth	40,000
9	IDG from state police - Michigan justice training fund	300,000
10	Federal revenues:	
11	DOJ, victims assistance programs	50,000
12	DOJ, drug court training and evaluation	300,000
13	DOT, national highway traffic safety administration	100,000
14	HHS, access and visitation grant	387,000
15	HHS, children's justice grant	206,300
16	HHS, court improvement project	1,160,000
17	HHS, title IV-D child support program	907,700
18	HHS, title IV-E foster care program	540,400
19	Other federal grant revenues	275,000
20	Special revenue funds:	
21	Local - user fees	3,612,400
22	Private	169,000
23	Private - interest on lawyers trust accounts	232,700
24	Private - state justice institute	370,800
25	Community dispute resolution fund	2,277,300
26	Law exam fees	482,100
27	Drug court fund	1,920,500

1	Miscellaneous revenue.....	227,900
2	Justice system fund.....	700,000
3	State court fund.....	339,000
4	State general fund/general purpose.....	\$ 23,044,900
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....	212.0
7	Court of appeals operations--212.0 FTE positions.....	\$ <u>19,615,700</u>
8	GROSS APPROPRIATION.....	\$ 19,615,700
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,958,500
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose.....	\$ 17,579,400
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,200,000</u>
17	GROSS APPROPRIATION.....	\$ 8,200,000
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 8,200,000
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	613.0
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--258.0	
25	judges	23,877,200
26	District court judicial salary standardization.....	11,796,800
27	Probate court judges' state base salaries--103.0	

1	judges	9,498,100
2	Probate court judicial salary standardization	4,599,700
3	Circuit court judges' state base salaries--217.0	
4	judges	20,440,400
5	Circuit court judicial salary standardization	9,922,100
6	Judges' retirement system defined contributions	3,065,200
7	OASI, social security	<u>4,948,700</u>
8	GROSS APPROPRIATION	\$ 93,540,800
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	7,090,200
12	State general fund/general purpose	\$ 86,450,600
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions 8.0	
15	Judicial tenure commission--8.0 FTE positions	\$ <u>1,023,500</u>
16	GROSS APPROPRIATION	\$ 1,023,500
17	Appropriated from:	
18	State general fund/general purpose	\$ 1,023,500
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions 50.0	
21	Appellate public defender program--42.0 FTE positions	\$ 4,903,500
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>894,200</u>
24	GROSS APPROPRIATION	\$ 5,797,700
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	423,500

1	Special revenue funds:		
2	Private - interest on lawyers trust accounts		70,000
3	Miscellaneous revenue		113,100
4	State general fund/general purpose	\$	5,191,100
5	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
6	Indigent civil legal assistance	\$	<u>7,937,000</u>
7	GROSS APPROPRIATION	\$	7,937,000
8	Appropriated from:		
9	Special revenue funds:		
10	State court fund		7,937,000
11	State general fund/general purpose	\$	0
12	Sec. 109. TRIAL COURT OPERATIONS		
13	Court equity fund reimbursements	\$	69,075,900
14	Judicial technology improvement fund		<u>4,465,000</u>
15	GROSS APPROPRIATION	\$	73,540,900
16	Appropriated from:		
17	Special revenue funds:		
18	Court equity fund		50,440,000
19	Judicial technology improvement fund		4,465,000
20	State general fund/general purpose	\$	18,635,900
21	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL		
22	GOVERNMENT		
23	Drug case-flow program	\$	250,000
24	Drunk driving case-flow program		2,300,000
25	Juror compensation reimbursement		6,600,000
26	Transcript fee reimbursement		<u>100</u>
27	GROSS APPROPRIATION	\$	9,150,100

1 Appropriated from:

2 Special revenue funds:

3	Drug fund.....	250,000
4	Drunk driving fund.....	2,300,000
5	Juror compensation fund.....	6,600,000
6	Transcript fee fund.....	100
7	State general fund/general purpose.....	\$ 0

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 **GENERAL SECTIONS**

11 Sec. 201. Pursuant to section 30 of article IX of the state
 12 constitution of 1963, total state spending from state resources
 13 under part 1 for fiscal year 2006-2007 is \$247,303,900.00 and state
 14 spending from state resources to be paid to local units of
 15 government for fiscal year 2006-2007 is estimated at
 16 \$124,281,800.00. The itemized statement below identifies
 17 appropriations from which spending to local units of government
 18 will occur:

19 JUDICIARY

20 SUPREME COURT

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

23 TRIAL COURT OPERATIONS

24	Court equity fund reimbursements.....	\$ 69,075,900
25	Judicial technology improvement fund.....	4,465,000

26 JUSTICES' AND JUDGES' COMPENSATION

1	District court judicial salary standardization.....	\$	11,796,800
2	Probate court judges' state base salaries.....		9,498,100
3	Probate court judicial salary standardization.....		4,599,700
4	Circuit court judicial salary standardization.....		9,922,100
5	Grant to OASI contribution fund, employers share,		
6	social security		833,200
7	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
8	Drunk driving case-flow program.....	\$	2,300,000
9	Drug case-flow program.....		250,000
10	Juror compensation reimbursement.....		6,600,000
11	Transcript fee fund.....		<u>100</u>
12	TOTAL.....	\$	124,281,800

13 Sec. 202. (1) The appropriations authorized under this bill
14 are subject to the management and budget act, 1984 PA 431, MCL
15 18.1101 to 18.1594.

16 (2) Funds appropriated in part 1 to an entity within the
17 judicial branch shall not be expended or transferred to another
18 account without written approval of the authorized agent of the
19 judicial entity. If the authorized agent of the judicial entity
20 notifies the state budget director of its approval of an
21 expenditure or transfer, the state budget director shall
22 immediately make the expenditure or transfer. The authorized
23 judicial entity agent shall be designated by the chief justice of
24 the supreme court.

25 Sec. 203. As used in this bill:

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

27 (b) "DOT" means the United States department of

1 transportation.

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

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

5 (e) "IDG" means interdepartmental grant.

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

7 Sec. 208. The reporting requirements of this bill shall be
8 completed with the approval of, and at the direction of, the
9 supreme court. Unless otherwise specified, the judicial branch
10 shall use the Internet to fulfill the reporting requirements of
11 this bill. This may include transmission of reports via electronic
12 mail to the recipients identified for each reporting requirement or
13 it may include placement of reports on an Internet or Intranet
14 site.

15 Sec. 214. Funds appropriated in part 1 shall not be used for
16 the purchase of foreign goods or services, or both, if
17 competitively priced and comparable quality American goods or
18 services, or both, are available. Preference should be given to
19 goods or services, or both, manufactured or provided by Michigan
20 businesses if they are competitively priced and of comparable
21 quality.

22 Sec. 215. (1) Due to the current budgetary problems in this
23 state, out-of-state travel for the fiscal year ending September 30,
24 2007 shall be limited to situations in which 1 or more of the
25 following conditions apply:

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

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

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

7 (d) The travel is necessary to comply with federal
8 requirements.

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

11 (f) The travel is financed entirely by federal or nonstate
12 funds.

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

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

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

3 (b) The destination of each travel occurrence.

4 (c) The dates of each travel occurrence.

5 (d) A brief statement of the reason for each travel
6 occurrence.

7 (e) The transportation and related costs of each travel
8 occurrence, including the proportion funded with state general
9 fund/general purpose revenues, the proportion funded with state
10 restricted revenues, the proportion funded with federal revenues,
11 and the proportion funded with other revenues.

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

14 **JUDICIAL BRANCH**

15 Sec. 301. (1) The direct trial court automation support
16 program of the state court administrative office shall recover
17 direct and overhead costs from trial courts by charging for
18 services rendered. Fees charged shall cover the actual costs
19 incurred to the direct trial court automation support program in
20 providing the service, including development of future versions of
21 case management systems. A report of amounts collected in excess of
22 funds identified as user service charges in part 1 shall be
23 submitted to the state budget director and to the house and senate
24 appropriations subcommittees on judiciary 30 days before
25 expenditure by the direct trial court automation support program.

26 (2) From funds appropriated in part 1, the direct trial court

1 automation support program of the state court administrative office
2 shall provide to the state budget director, the senate and house
3 appropriations committees, and the senate and house fiscal agencies
4 before January 1 of each year, a detailed list of user service
5 charges collected during the immediately preceding state fiscal
6 year.

7 Sec. 302. Funds appropriated within the judicial branch shall
8 not be expended by any component within the judicial branch without
9 the approval of the supreme court.

10 Sec. 303. Of the amount appropriated in part 1 for the
11 judicial branch, \$325,000.00 is allocated for circuit court
12 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
13 \$186,900.00 is allocated for court of claims reimbursement under
14 section 6413 of the revised judicature act of 1961, 1961 PA 236,
15 MCL 600.6413.

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

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

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

1 independent third parties for evaluation and monitoring of drug
2 court programs funded by the judiciary. The evaluation shall
3 include measures of the impact of drug court programs in changing
4 offender criminal involvement (recidivism) and substance abuse and
5 in reducing prison admissions. The evaluation of a program funded
6 with federal Byrne funds shall be consistent with any requirements
7 contained in the federal Byrne grant for that program. Evaluations
8 required by this section shall to the extent feasible compare
9 offenders treated under the programs with other offenders of
10 similar characteristics. Not later than April 1, 2007, the state
11 court administrative office shall provide a progress report
12 regarding the status and findings of the evaluation to the senate
13 and house appropriations subcommittees on the judiciary, the senate
14 and house fiscal agencies, and the state budget director.

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

1 (2) Local units of government are encouraged to refer to
2 federal drug treatment court guidelines to prepare proposals.
3 However, federal agency approvals are not required for funding
4 under this section.

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

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

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

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