

JUDICIARY

Summary: FY 2008-09 Appropriations

HB 5810 (S-1) CR-1 As Passed Conference Committee



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	FY 2007-08 YTD	FY 2008-09 Executive	FY 2008-09 House	FY 2008-09 Senate	FY 2008-09 Conference	FY 2008-09 Enacted	Difference: Conference From FY 2007-08 YTD	
							Amount	%
IDG/IDT	\$2,523,500	\$2,523,500	\$2,523,500	\$3,553,500	\$3,553,500		\$1,030,000	40.8
Federal	4,626,400	4,626,400	4,626,400	5,126,400	5,126,400		500,000	10.8
Local	5,899,200	6,093,100	6,093,100	6,093,100	6,093,100		193,900	3.3
Private	842,500	842,500	842,500	842,500	842,500		0	0.0
Restricted	87,892,700	87,893,800	87,893,800	87,947,900	87,947,900		55,200	0.0
GF/GP	157,996,700	159,933,400	159,933,400	159,183,500	159,320,600		1,323,900	0.8
Gross	\$259,781,000	\$261,912,700	\$261,912,700	\$262,746,900	\$262,884,000		\$3,103,000	1.2
FTEs	519.0	490.0	499.0	496.0	491.0		(28)	(5.4)

Note: FY 2007-08 figures reflect supplemental and Executive Order (EO) actions through May 1, 2008.

2008 PA 113 FY 2007-08 Supplemental directed \$489,500 to Direct Trial Court Automation Support. The money is a Local-user fee under the Supreme Court.

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government, which receives funds appropriated through the budget act for the Judiciary. The Judiciary budget provides operational funding for the Michigan Supreme Court, Court of Appeals, and related judicial agencies. The budget also funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Assistance for local court operations is provided through a variety of grant programs. The largest of these, the Court Equity grant program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

Note: Conference reduced several line items to reflect HMO savings in the amount of \$62,800.

Major Budget Changes From FY 2007-08 YTD Appropriations		FY 2007-08 YTD	Conference Change From YTD
1. Mental Health Court Pilots	Gross	N/A	\$550,000
<u>House</u> provides \$600,000 for grants to mental health court pilots to facilitate cooperation between mental health service providers and the judicial system and provide offenders who need mental health services with treatment and other services. Funding would be distributed in conjunction with \$2.25 million recommended in the Department of Community Health budget. Also includes \$100,000 for training court and law enforcement personnel.	GF/GP	N/A	\$550,000
<u>Exec</u> recommends \$1.0 million for the pilots and \$100,000 for training.			
<u>Senate</u> included a \$100 placeholder for mental health court funding. <u>Conference</u> included \$550,000 for mental health court funding			

Major Budget Changes From FY 2007-08 YTD Appropriations		FY 2007-08 YTD	Conference Change From YTD
2. Next Generation Justice Information System <u>Exec and House</u> appropriate additional local user fees from Berrien and Washtenaw County Courts to support the new trial court case management system in exchange for allowing them a significant role in designing the new system as well as the opportunity to serve as pilot sites. Their investment in the first four years of development will be reimbursed in waived user fees following the system's full implementation. <u>Senate</u> reduced increase to \$163,200 because \$489,500 of the increase was included in an FY 2007-08 supplemental. <u>Conference</u> concurred with the Senate.	Gross	N/A	\$163,200
	Local	N/A	\$163,200
	GF/GP	N/A	\$0
3. Supreme Court <u>House</u> reduced the Supreme Court Administration line by \$526,500 from the Executive Recommendation. <u>Senate</u> increased to reflect an increase in bar exam fees: \$54,100 and a reduction to fund MAACS: (\$6,100). <u>Conference</u> concurred with the Senate and reduced by another \$13,000 to reflect HMO savings.	Gross	\$10,941,500	\$35,000
	Restricted	513,100	\$54,100
	GF/GP	\$10,428,400	(\$19,100)
4. Drug Court Program <u>Senate</u> included \$500,000 to reflect an increase in Federal funding. <u>Conference</u> concurred with the Senate.	Gross	\$4,678,800	\$500,000
	IDG	1,800,000	0
	Federal	300,000	500,000
	Restricted	1,920,500	0
	GF/GP	\$658,300	\$0
5. Intensive Probation Pilot Program <u>Senate</u> included an IDG from the Department of Corrections to fund an intensive probation pilot program. <u>Conference</u> concurred with the Senate.	Gross	N/A	\$980,000
	IDG	N/A	\$980,000
	GF/GP	N/A	\$0
6. Judicial Data Warehouse User Fees <u>Senate</u> included an IDG from the Department of Corrections for user fees for the Judicial Data Warehouse. <u>Conference</u> concurred with the Senate.	Gross	N/A	\$50,000
	IDG	N/A	\$50,000
	GF/GP	N/A	\$0
7. Court of Appeals Operations <u>House</u> increases COA operations by \$375,000 over Executive Recommendation to provide 5 additional research attorneys. <u>Senate</u> reduces the funding to \$350,000 for the 5 additional research attorneys and a reduction to fund MAACS (\$10,000). <u>Conference</u> did not include funding for 5 additional research attorneys but did concur with the Senate on the reduction of \$10,000 to fund MAACS and reduced by an additional \$30,800 to reflect HMO savings.	Gross	\$19,183,300	(\$40,800)
	Restricted	2,036,300	\$0
	GF/GP	\$17,147,000	(\$40,800)

Major Budget Changes From FY 2007-08 YTD Appropriations		FY 2007-08 YTD	Conference Change From YTD
8. State Appellate Defender Office <u>House</u> increases the appellate public defender program line by \$298,500 to provide 3 additional plea attorneys. <u>Senate</u> did not include this funding. Reduction to fund MAACS (\$2,700). <u>Conference</u> concurred with the Senate and reduced by another \$3,400 to reflect HMO savings.	Gross	\$5,042,700	(\$6,100)
	IDG	318,400	\$0
	Private	70,000	\$0
	Restricted	101,700	\$0
	GF/GP	\$4,552,600	(\$6,100)
9. Appellate Assigned Counsel Administration <u>House</u> increases the appropriation for the Michigan Appellate Assigned Counsel System (MAACS) by \$53,000 and 1 FTE to assist with increased caseloads. <u>Senate</u> included increase (\$53,100) for MAACS by making small reductions in other lines with general fund to fund the change. <u>Conference</u> concurred with the House and reduced by \$1,700 to reflect HMO savings.	Gross	\$878,100	\$51,300
	IDG	105,100	\$0
	Restricted	11,400	\$0
	GF/GP	\$761,600	\$51,300
10. Local Government Grants <u>House</u> provides \$200,000 in new grants for district court security upgrades and upgrades to a shared central dispatch system. <u>Senate</u> does not include this item	Gross	N/A	N/A
	GF/GP	N/A	
11. Defined Contribution and FICA Costs <u>Executive</u> , <u>House</u> , <u>Senate</u> , and <u>Conference</u> increased funds for judges' FICA and defined contribution retirement costs by \$445,700 gross and GF/GP.	Gross	\$8,464,900	\$445,700
	GF/GP	\$8,464,900	\$445,700
12. Economics Funds economic adjustments as follows: <ul style="list-style-type: none"> Salaries/wages increase: \$325,200 gross, \$305,300 GF/GP Insurance Savings: \$339,400 gross, \$316,900 GF/GP Retirement increase: \$275,300 gross, \$259,900 GF/GP Rent increase: \$107,300 gross and GF/GP Workers' compensation reduction: \$1,000 gross and GF/GP Building occupancy increase: \$55,400 gross, \$36,400 GF/GP 	Gross	N/A	\$422,800
	Federal	N/A	\$0
	Local	N/A	\$30,700
	Private	N/A	\$0
	Restricted	N/A	\$1,100
	GF/GP	N/A	\$391,000

Major Boilerplate Changes From FY 2007-08

Sec. 204. Employee Contact with Legislature – RETAINED

Prohibits disciplinary action against a judicial employee for communicating with a Legislator or his or her staff. Exec and House delete. Senate and Conference retained current-year language.

Sec. 206. Contingency Funds – NOT INCLUDED

Appropriates up to \$1.0 million in Federal contingency funds, up to \$500,000 in State restricted contingency funds, up to \$100,000 in private contingency funds, and \$100,000 in local contingency funds. Exec and House add. Senate and Conference did not include this section.

Major Boilerplate Changes From FY 2007-08

Sec. 212. Retention of Reports – RETAINED

Directs the judicial branch to comply with federal and state guidelines for short-term and long-term retention of reports funded through appropriations. Exec deletes. House, Senate, and Conference retain current law.

Sec. 216. Report Requirement – RETAINED

Requires judicial branch to report by April 1, 2008, on each policy change made to implement enacted legislation; prohibits funding for regulatory plans or for rules that fail to reduce economic impact on small businesses. Exec and House delete. Senate restored this section. Conference concurred with the Senate.

Sec. 217. Efficiency Mechanisms – DELETED

Requires Chief Justice to implement continuous improvement efficiency mechanisms to increase efficiency and reduce expenditures in judicial branch programs; requires semi-annual report. Exec, House, Senate, and Conference deleted.

Sec. 217. Expenditures on Internet - NOT INCLUDED

The Senate added language that requires the judicial branch to post all expenditures on a publicly accessible website. Conference did not include this section.

Sec. 218. Travel Restrictions - NEW

The Senate added language prohibiting the judicial branch from sending more than one employee to the same out-of-state conference or seminar. Conference concurred with Senate on new language but modified it to increase flexibility.

Sec. 304. Auditor General – RETAINED

Requires judicial branch to cooperate with the auditor general in audits of judicial branch. Exec deletes. House, Senate, and Conference retain current law.

Sec. 305. Expenditure and Revenue Reports – RETAINED

Requires quarterly financial reports on judiciary budget revenue and expenditures. Exec deletes. House, Senate, and Conference retain current law.

Sec. 306a. Third-Party Collection Pilot Project Report – DELETED

Requires a report by April 1, 2008, on the feasibility of a pilot project for third-party collection of court-ordered fines, fees, and costs, including victim restitution. Exec, House, Senate, and Conference delete.

Sec. 307. Court of Appeals Fee Revenue – DELETED

Requires that the portion of fee revenue raised from increases in filing fees be used for delay reduction. Exec and House delete. Senate retained language. Conference concurred with the Executive and House by deleting the language.

Sec. 309. Pilot Mental Health Courts – MODIFIED

Executive and House included language that requires State Court Administrative Office to work with the Department of Community Health to develop guidelines for the operation and evaluation of pilot mental health courts. Local courts may apply for funding based on community need and local commitment. Also specifies that \$100,000 is for training court and law enforcement personnel. Senate removed Executive and House language and added language requesting SCAO to consider the U.S. Bureau of Justice Assistance's 10 essential elements when developing guidelines for pilot mental health courts. Conference combined House and Senate language and removed language that specifies \$100,000 for training.

Sec. 311. Drug Courts – MODIFIED

Provides direction for administration of drug treatment courts. Executive and House delete the definition of a drug court's responsibilities and methods. Executive and House also delete requirement for locals to refer to federal guidelines to prepare for drug treatment court proposals. Senate restored current year language. Conference concurred with Senate but deleted subsection (2) concerning the Federal Drug Court guidelines.

Sec. 312. Parental Rights Restoration Act Report – RETAINED

Instructs state court administrator to report total number of petitions filed by minors seeking court-issued waiver of parental consent under Parental Rights Restoration Act, and total number of petitions granted. Exec and House delete. Senate and Conference retained the current year language.

Major Boilerplate Changes From FY 2007-08

Sec. 314. Halbert v. Michigan Impact - DELETED

Instructs the State Court Administrative Office to provide an update on the impact of Halbert v. Michigan and related cases on the court system during the prior calendar year to the Senate and House appropriations subcommittees on Judiciary, the Senate and House Fiscal Agencies, and the State Budget Director. Executive and House retain current law. Senate and Conference deleted.

Sec. 316. Mental Health Treatment Courts – DELETED

Requires SCAO to evaluate strategies to better respond to defendants with mental illnesses; strategies may include mental health treatment courts.

Exec, House, Senate, and Conference deleted.

Sec. 318. Local Government Grants – NOT INCLUDED

House adds language providing \$50,000 grants each to Berkley and Hazel Park for district court security upgrades.

It also provides a \$100,000 grant to Berkley for an upgrade to the central dispatch system it shares with Huntington Woods and Pleasant Ridge. Senate and Conference did not include this language.

Sec. 318. Intensive Probation Pilot Program - NEW

Senate added language establishing an intensive probation pilot program with an IDG from the Department of Corrections. Conference concurred with the Senate on the new language.