

**SUBSTITUTE FOR
HOUSE BILL NO. 5810**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; 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

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amounts listed in this part are appropriated for the judicial

branch for the fiscal year ending September 30, 2009, 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..... 499.0

GROSS APPROPRIATION..... \$ 261,912,700

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 2,523,500

ADJUSTED GROSS APPROPRIATION..... \$ 259,389,200

Federal revenues:

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

Special revenue funds:

Total local revenues..... 6,093,100

Total private revenues..... 842,500

Total other state restricted revenues..... 87,893,800

State general fund/general purpose..... \$ 159,933,400

Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 243.0

Supreme court administration--97.0 FTE positions..... \$ 10,488,200

Judicial institute--13.0 FTE positions..... 2,676,400

State court administrative office--60.0 FTE positions 10,325,900

Judicial information systems--22.0 FTE positions..... 3,187,900

Direct trial court automation support--36.0 FTE

positions 6,093,100

Foster care review board--12.0 FTE positions 1,272,200

1	Community dispute resolution--3.0 FTE positions	2,292,700
2	Other federal grants	275,000
3	Drug treatment courts	4,678,800
4	Pilot mental health court programs	<u>700,000</u>
5	GROSS APPROPRIATION	\$ 41,990,200
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of community health	1,800,000
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 ..	800,000
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	6,093,100
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	2,292,700
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.....	\$ 22,436,000
5	Sec. 103. COURT OF APPEALS	
6	Full-time equated exempted positions.....	195.0
7	Court of appeals operations--195.0 FTE positions.....	\$ <u>19,623,700</u>
8	GROSS APPROPRIATION.....	\$ 19,623,700
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.....	\$ 17,587,400
14	Sec. 104. BRANCHWIDE APPROPRIATIONS	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>7,882,800</u>
17	GROSS APPROPRIATION.....	\$ 7,882,800
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 7,882,800
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	621.0
22	Supreme court justices' salaries--7.0 judges.....	\$ 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	9,627,900
2	Probate court judicial salary standardization	4,669,700
3	Circuit court judges' state base salaries--225.0	
4	judges	20,817,200
5	Circuit court judicial salary standardization	10,105,000
6	Judges' retirement system defined contributions	3,556,700
7	OASI, social security	<u>5,353,900</u>
8	GROSS APPROPRIATION	\$ 95,197,000
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	7,090,200
12	State general fund/general purpose	\$ 88,106,800
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions	7.0
15	Judicial tenure commission--7.0 FTE positions	\$ <u>1,013,700</u>
16	GROSS APPROPRIATION	\$ 1,013,700
17	Appropriated from:	
18	State general fund/general purpose	\$ 1,013,700
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions	50.0
21	Appellate public defender program--42.0 FTE positions	\$ 5,379,700
22	Appellate assigned counsel administration--8.0 FTE	
23	positions	<u>943,200</u>
24	GROSS APPROPRIATION	\$ 6,322,900
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	\$ 5,716,300
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	\$ 67,430,400
14	Judicial technology improvement	<u>4,465,000</u>
15	GROSS APPROPRIATION	\$ 71,895,400
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	\$ 16,990,400
21	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
22	GOVERNMENT	
23	Drug case-flow program	\$ 250,000
24	Drunk driving case-flow program	3,000,000
25	Juror compensation reimbursement	6,600,000
26	Local government grants	<u>200,000</u>
27	GROSS APPROPRIATION	\$ 10,050,000

1	Appropriated from:	
2	Special revenue funds:	
3	Drug fund.....	250,000
4	Drunk driving fund.....	3,000,000
5	Juror compensation fund.....	6,600,000
6	State general fund/general purpose.....	\$ 200,000

7 PART 2

8 PROVISIONS CONCERNING APPROPRIATIONS

9 **GENERAL SECTIONS**

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

11 constitution of 1963, total state spending from state resources

12 under part 1 for fiscal year 2008-2009 is \$247,827,200.00 and state

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

14 government for fiscal year 2008-2009 is \$124,620,300.00. The

15 itemized statement below identifies appropriations from which

16 spending to local units of government will occur:

17 JUDICIARY

18 SUPREME COURT

19	State court administrative office.....	\$ 511,900
20	Drug treatment courts.....	4,378,800
21	Pilot mental health court programs.....	700,000

22 TRIAL COURT OPERATIONS

23	Court equity fund reimbursements.....	\$ 67,430,400
24	Judicial technology improvement fund.....	4,465,000

25 JUSTICES' AND JUDGES' COMPENSATION

1	District court judicial salary standardization.....	\$	11,796,800
2	Probate court judges' state base salaries.....		9,627,900
3	Probate court judicial salary standardization.....		4,669,700
4	Circuit court judicial salary standardization.....		10,105,000
5	Grant to OASI contribution fund, employers share,		
6	social security		884,800
7	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
8	Drunk driving case-flow program.....	\$	3,000,000
9	Drug case-flow program.....		250,000
10	Juror compensation reimbursement.....		6,600,000
11	Local government grants.....		<u>200,000</u>
12	TOTAL.....	\$	124,620,300

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

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. 206. (1) In addition to the funds appropriated in part 1,
8 there is appropriated an amount not to exceed \$1,000,000.00 for
9 federal contingency funds.

10 (2) In addition to the funds appropriated in part 1, there is
11 appropriated an amount not to exceed \$500,000.00 for state
12 restricted contingency funds.

13 (3) In addition to the funds appropriated in part 1, there is
14 appropriated an amount not to exceed \$100,000.00 for local
15 contingency funds.

16 (4) In addition to the funds appropriated in part 1, there is
17 appropriated an amount not to exceed \$100,000.00 for private
18 contingency funds.

19 (5) A transfer of contingency funds within the judicial branch
20 under this section shall not be made by the authorized agent of the
21 judicial entity unless approved by both appropriations committees.
22 If the state budget director does not approve contingency fund
23 transfers adopted by both appropriations committees under this
24 section, the state budget director shall notify the appropriations
25 committees of his or her action within 15 days.

26 Sec. 208. The reporting requirements of this act shall be
27 completed with the approval of, and at the direction of, the

1 supreme court. The judicial branch shall use the Internet to
2 fulfill the reporting requirements of this act. This may include
3 transmission of reports via electronic mail to the recipients
4 identified for each reporting requirement, or it may include
5 placement of reports on an Internet or Intranet site.

6 Sec. 212. As a condition of expending appropriations made
7 under part 1, the judicial branch shall receive and retain copies
8 of all reports funded from appropriations in part 1 and shall
9 follow federal and state guidelines for short-term and long-term
10 retention of such reports and records.

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

21 Sec. 215. (1) Due to the current budgetary problems in this
22 state, out-of-state travel for the fiscal year ending September 30,
23 2009 shall be limited to situations in which 1 or more of the
24 following conditions apply:

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

27 (b) The travel is necessary to protect the health or safety of

1 Michigan citizens or visitors or to assist other states in similar
2 circumstances.

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

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

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

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

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

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

27 (a) The name of each person receiving reimbursement for travel

1 outside this state or whose travel costs were paid by this state.

2 (b) The destination of each travel occurrence.

3 (c) The dates of each travel occurrence.

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

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

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

13 **JUDICIAL BRANCH**

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

25 (2) From funds appropriated in part 1, the direct trial court
26 automation support program of the state court administrative office

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

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

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

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

19 Sec. 305. As a condition of expending appropriations made
20 under part 1, and to avoid the overexpenditure of funds
21 appropriated under this act, the supreme court shall report
22 quarterly to members of the senate and house appropriations
23 subcommittees on the judiciary, the senate and house fiscal
24 agencies, and the state budget director on the status of accounts
25 set forth in part 1. The report required by this section shall
26 include quarterly, year-to-date, and projected expenditures by
27 funding source for each line item, and beginning balances and

1 quarterly, year-to-date, and projected revenues for each source of
2 revenue other than general fund/general purpose revenues.

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

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

12 Sec. 309. (1) From the funds appropriated in part 1 for pilot
13 mental health court programs, with the approval of and at the
14 discretion of the supreme court, the state court administrative
15 office shall work with the department of community health to
16 develop guidelines for the operation and evaluation of pilot mental
17 health courts. Trial courts and local community mental health
18 services programs interested in becoming mental health court pilot
19 sites shall submit a joint application for funding prepared in
20 accordance with guidelines established by the judiciary and the
21 department of community health. The applications shall include
22 documentation of community needs and a commitment to the program by
23 key stakeholders, including the local courts, law enforcement,
24 prosecutor, defense counsel, and treatment providers.

25 (2) From the funds appropriated in part 1 for pilot mental
26 health court programs, \$100,000.00 shall be used to provide
27 training for mental health court personnel and local law

1 enforcement on mental health issues.

2 Sec. 310. From the funds appropriated in part 1 for drug
3 treatment court programs, with the approval of and at the
4 discretion of the supreme court, the state court administrative
5 office shall evaluate and collect data on the performance of drug
6 treatment court programs. The state court administrative office
7 shall provide an annual review of the performance of drug courts as
8 prescribed in section 1078(6) of the revised judicature act of
9 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
10 annual review:

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

14 (b) It shall be completed no later than April 1 of each year
15 and shall also be provided to the senate and house appropriations
16 subcommittees on the judiciary, the senate and house fiscal
17 agencies, and the state budget director.

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

21 Sec. 311. (1) The funds appropriated in part 1 for drug
22 treatment courts shall be administered by the state court
23 administrative office to operate drug treatment court programs. A
24 drug treatment court shall use all available county and state
25 personnel involved in the disposition of cases, including, but not
26 limited to, parole and probation agents, prosecuting attorneys,
27 defense attorneys, and community corrections providers. The funds

1 may be used in connection with other federal, state, and local
2 funding sources.

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

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

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

15 Sec. 314. By April 1, the state court administrative office
16 shall provide an update on the impact of Halbert v Michigan, 125 S
17 Ct 2582 (2005), and related cases on the court system during the
18 prior calendar year to the senate and house appropriations
19 subcommittees on judiciary, the senate and house fiscal agencies,
20 and the state budget director.

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

26 Sec. 318. From the appropriation in part 1 for local
27 government grants, grants shall be awarded as follows:

1 (a) \$50,000.00 to each city that has a population of not less
2 than 15,000 but not more than 19,000 and is located in a county
3 that has a population of not less than 1,000,000 but not more than
4 2,000,000, for the purpose of court security upgrades.

5 (b) \$100,000.00 to each city that has a population of not less
6 than 15,000 but not more than 18,000 and is located in a county
7 that has a population of not less than 1,000,000 but not more than
8 2,000,000, for the purposes of upgrading shared central dispatch
9 offices that serve 3 communities.