

**SUBSTITUTE FOR
SENATE BILL NO. 180**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2012; to provide for the expenditure of these appropriations; to provide anticipated appropriations for the fiscal year ending September 30, 2013; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, 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:

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PART 1

LINE-ITEM APPROPRIATIONS
FOR FISCAL YEAR 2011-2012

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, 2012, 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..... 491.0

GROSS APPROPRIATION..... \$ 256,973,200

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 3,573,500

ADJUSTED GROSS APPROPRIATION..... \$ 253,399,700

Federal revenues:

Total federal revenues..... 5,539,500

Special revenue funds:

Total local revenues..... 6,342,700

Total private revenues..... 842,500

Total other state restricted revenues..... 88,140,700

State general fund/general purpose..... \$ 152,534,300

Sec. 102. SUPREME COURT

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

Supreme court administration--97.0 FTE positions \$ 11,184,900

Judicial institute--13.0 FTE positions 1,979,000

State court administrative office--60.0 FTE positions 10,548,900

Judicial information systems--22.0 FTE positions 3,174,700

Direct trial court automation support--36.0 FTE

positions 6,342,700

1	Foster care review board--12.0 FTE positions	1,289,800
2	Community dispute resolution--3.0 FTE positions	2,335,500
3	Other federal grants.....	275,100
4	Drug treatment courts.....	7,133,000
5	Community court pilot project.....	<u>20,000</u>
6	GROSS APPROPRIATION.....	\$ 44,283,600
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from department of state police.....	1,800,000
10	IDG from department of corrections.....	1,050,000
11	IDG from state police - Michigan justice training fund	300,000
12	Federal revenues:	
13	DOJ, victims assistance programs.....	50,000
14	DOJ, drug court training and evaluation.....	300,000
15	DOT, national highway traffic safety administration..	1,300,000
16	HHS, access and visitation grant.....	550,000
17	HHS, children's justice grant.....	206,300
18	HHS, court improvement project.....	1,160,000
19	HHS, title IV-D child support program.....	907,700
20	HHS, title IV-E foster care program.....	540,400
21	Other federal grant revenues.....	275,100
22	Special revenue funds:	
23	Local - user fees.....	6,342,700
24	Private.....	169,000
25	Private - interest on lawyers trust accounts.....	232,700
26	Private - state justice institute.....	370,800
27	Community dispute resolution fund.....	2,335,500

1	Law exam fees.....	536,200
2	Drug court fund.....	1,920,500
3	Miscellaneous revenue.....	227,900
4	Justice system fund.....	700,000
5	State court fund.....	339,000
6	State general fund/general purpose.....	\$ 22,669,800
7	Sec. 103. COURT OF APPEALS	
8	Full-time equated exempted positions.....	190.0
9	Court of appeals operations--190.0 FTE positions.....	\$ <u>19,143,800</u>
10	GROSS APPROPRIATION.....	\$ 19,143,800
11	Appropriated from:	
12	Special revenue funds:	
13	Court filing/motion fees.....	1,458,500
14	Miscellaneous revenue.....	77,800
15	State general fund/general purpose.....	\$ 17,607,500
16	Sec. 104. BRANCHWIDE APPROPRIATIONS	
17	Full-time equated exempted positions.....	4.0
18	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,338,700</u>
19	GROSS APPROPRIATION.....	\$ 8,338,700
20	Appropriated from:	
21	State general fund/general purpose.....	\$ 8,338,700
22	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
23	Full-time judges positions	607.0
24	Supreme court justices' salaries--7.0 justices.....	1,152,300
25	Court of appeals judges' salaries--26.0 judges.....	3,937,400
26	District court judges' state base salaries--252.0	
27	judges	23,321,900

1	District court judicial salary standardization	11,522,500
2	Probate court judges' state base salaries--103.0	
3	judges	9,627,900
4	Probate court judicial salary standardization	4,669,700
5	Circuit court judges' state base salaries--219.0	
6	judges	20,628,800
7	Circuit court judicial salary standardization	10,013,600
8	Judges' retirement system defined contributions	3,894,300
9	OASI, social security	<u>5,511,000</u>
10	GROSS APPROPRIATION	\$ 94,279,400
11	Appropriated from:	
12	Special revenue funds:	
13	Court fee fund	7,090,200
14	State general fund/general purpose	\$ 87,189,200
15	Sec. 106. JUDICIAL AGENCIES	
16	Full-time equated exempted positions	7.0
17	Judicial tenure commission--7.0 FTE positions	\$ <u>961,500</u>
18	GROSS APPROPRIATION	\$ 961,500
19	Appropriated from:	
20	State general fund/general purpose	\$ 961,500
21	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
22	Full-time equated exempted positions	47.0
23	Appellate public defender program--39.0 FTE positions	\$ 5,322,800
24	Appellate assigned counsel administration--8.0 FTE	
25	positions	<u>906,300</u>
26	GROSS APPROPRIATION	\$ 6,229,100
27	Appropriated from:	

1	Interdepartmental grant revenues:	
2	IDG from state police - Michigan justice training fund	423,500
3	Federal revenues:	
4	Other federal grant revenues.....	250,000
5	Special revenue funds:	
6	Private - interest on lawyers trust accounts.....	70,000
7	Miscellaneous revenue.....	113,100
8	State general fund/general purpose.....	\$ 5,372,500
9	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
10	Indigent civil legal assistance.....	\$ <u>7,937,000</u>
11	GROSS APPROPRIATION.....	\$ 7,937,000
12	Appropriated from:	
13	Special revenue funds:	
14	State court fund.....	7,937,000
15	State general fund/general purpose.....	\$ 0
16	Sec. 109. TRIAL COURT OPERATIONS	
17	Court equity fund reimbursements.....	\$ 60,835,100
18	Judicial technology improvement fund.....	<u>4,815,000</u>
19	GROSS APPROPRIATION.....	\$ 65,650,100
20	Appropriated from:	
21	Special revenue funds:	
22	Court equity fund.....	50,440,000
23	Judicial technology improvement fund.....	4,815,000
24	State general fund/general purpose.....	\$ 10,395,100
25	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
26	GOVERNMENT	
27	Drug case-flow program.....	\$ 250,000

1	Drunk driving case-flow program.....	3,300,000
2	Juror compensation reimbursement.....	<u>6,600,000</u>
3	GROSS APPROPRIATION.....	\$ 10,150,000
4	Appropriated from:	
5	Special revenue funds:	
6	Drug fund.....	250,000
7	Drunk driving fund.....	3,300,000
8	Juror compensation fund.....	6,600,000
9	State general fund/general purpose.....	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

FOR FISCAL YEAR 2011-2012

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 2011-2012 is \$240,675,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2011-2012 is \$119,875,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

State court administrative office.....	\$ 511,900
Drug treatment courts.....	6,833,000

TRIAL COURT OPERATIONS

1	Court equity fund reimbursements.....	\$	60,835,100
2	Judicial technology improvement fund.....		4,815,000
3	JUSTICES' AND JUDGES' COMPENSATION		
4	District court judicial salary standardization.....	\$	11,522,500
5	Probate court judges' state base salaries.....		9,627,900
6	Probate court judicial salary standardization.....		4,669,700
7	Circuit court judicial salary standardization.....		10,013,600
8	Grant to OASI contribution fund, employers share,		
9	social security		896,900
10	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
11	Drunk driving case-flow program.....	\$	3,300,000
12	Drug case-flow program.....		250,000
13	Juror compensation reimbursement.....		<u>6,600,000</u>
14	TOTAL.....	\$	119,875,600

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

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

27 Sec. 203. As used in this act:

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

2 (b) "DOT" means the United States department of
3 transportation.

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

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

7 (e) "IDG" means interdepartmental grant.

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

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

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

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

24 Sec. 214. Funds appropriated in part 1 shall not be used for
25 the purchase of foreign goods or services, or both, if
26 competitively priced and of comparable quality American goods or
27 services, or both, are available. Preference shall be given to

1 goods or services, or both, manufactured or provided by Michigan
2 businesses, if they are competitively priced and of comparable
3 quality. In addition, preference shall be given to goods or
4 services, or both, that are manufactured or provided by Michigan
5 businesses owned and operated by veterans, if they are
6 competitively priced and of comparable quality.

7 Sec. 215. (1) Due to the current budgetary problems in this
8 state, out-of-state travel for the fiscal year ending September 30,
9 2012 shall be limited to situations in which 1 or more of the
10 following conditions apply:

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

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

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

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

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

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

25 (2) If out-of-state travel is necessary but does not meet 1 or
26 more of the conditions in subsection (1), the chief justice or his
27 or her designee may grant an exception to allow the travel. Any

1 exceptions granted by the chief justice or his or her designee
2 shall be reported on a monthly basis to the senate and house of
3 representatives standing committees on appropriations.

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

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

15 (b) The destination of each travel occurrence.

16 (c) The dates of each travel occurrence.

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

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

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

26 Sec. 219. Not later than September 30, 2012, the judiciary
27 shall prepare and transmit a report that provides for estimates of

1 the total general fund/general purpose appropriation lapses at the
2 close of the fiscal year. This report shall summarize the projected
3 year-end general fund/general purpose appropriation lapses by major
4 program or program areas. The report shall be transmitted to the
5 office of the state budget, the chairpersons of the senate and
6 house appropriations committees, and the senate and house fiscal
7 agencies.

8 Sec. 221. From the funds appropriated in part 1, the judicial
9 branch shall use an amount not to exceed \$10,000.00 to develop,
10 post, and maintain, on a publicly accessible Internet site, all
11 expenditures made by the judicial branch within a fiscal year. The
12 posting must include the purpose for which each expenditure is
13 made. The judicial branch shall not be required to hire additional
14 employees to comply with this section.

15 JUDICIAL BRANCH

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

1 program.

2 (2) From funds appropriated in part 1, the direct trial court
3 automation support program of the state court administrative office
4 shall provide to the state budget director, the senate and house
5 appropriations committees, and the senate and house fiscal agencies
6 before January 1 of each year a detailed list of user service
7 charges collected during the immediately preceding state fiscal
8 year.

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

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

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

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

27 Sec. 309. By April 1, 2012, the state court administrative

1 office shall provide an update on the status of the pilot mental
2 health courts to the state budget director, the senate and house
3 appropriations subcommittees on the judiciary, and the senate and
4 house fiscal agencies.

5 Sec. 310. From the funds appropriated in part 1 for drug
6 treatment court programs, with the approval of and at the
7 discretion of the supreme court, the state court administrative
8 office shall evaluate and collect data on the performance of drug
9 treatment court programs. The state court administrative office
10 shall provide an annual review of the performance of drug courts as
11 prescribed in section 1078(6) of the revised judicature act of
12 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
13 annual review:

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

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

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

24 Sec. 311. (1) The funds appropriated in part 1 for drug
25 treatment courts shall be administered by the state court
26 administrative office to operate drug treatment court programs. A
27 drug treatment court shall be responsible for handling cases

1 involving substance abusing nonviolent offenders through
2 comprehensive supervision, testing, treatment services, and
3 immediate sanctions and incentives. A drug treatment court shall
4 use all available county and state personnel involved in the
5 disposition of cases including, but not limited to, parole and
6 probation agents, prosecuting attorneys, defense attorneys, and
7 community corrections providers. The funds may be used in
8 connection with other federal, state, and local funding sources.

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

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

16 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula
17 grant funding as an interdepartmental grant from the department of
18 state police to be used for expansion of drug treatment courts, to
19 assist in avoiding prison bed space growth for nonviolent offenders
20 in collaboration with the department of corrections.

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

1 section 208.

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

7 Sec. 318. The funds appropriated in part 1 for the community
8 court pilot project shall be used for the purposes of administering
9 a pilot program of neighborhood-focused community courts. The state
10 court administrative office shall work collaboratively with the
11 designated courts when establishing the community courts.

12 Sec. 320. From the funds appropriated in part 1, \$1,000,000.00
13 in funding from the department of corrections shall be allocated to
14 drug treatment courts to support a swift-and-sure sanctions pilot
15 program.

16 Sec. 321. It is the intent of the legislature that the
17 judicial branch support a statewide legal self-help Internet
18 website and local nonprofit self-help centers that use the
19 statewide website to provide assistance to individuals representing
20 themselves in civil legal proceedings.

21 PART 2A

22 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS
23 FOR FISCAL YEAR 2012-2013

24 **GENERAL SECTIONS**

25 Sec. 1201. It is the intent of the legislature to provide

1 appropriations for the fiscal year ending on September 30, 2013 for
2 the line items listed in part 1. The fiscal year 2012-2013
3 appropriations are anticipated to be the same as those for fiscal
4 year 2011-2012, except that the line items will be adjusted for
5 changes in caseload and related costs, federal fund match rates,
6 economic factors, and available revenue. These adjustments will be
7 determined after the January 2012 consensus revenue estimating
8 conference. The January 2012 consensus revenue estimating
9 conference shall include estimates for fiscal year 2011-2012,
10 fiscal year 2012-2013, and fiscal year 2013-2014 for the following:

- 11 (a) State revenue.
- 12 (b) Prison population and correction expenditures.
- 13 (c) Annual percentage growth in the school aid basic
14 foundation allowance.
- 15 (d) Medicaid expenditures.
- 16 (e) Human service caseloads and expenditures.