

**SUBSTITUTE FOR
SENATE BILL NO. 81**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the judiciary for the fiscal year ending September 30, 2022, from the following funds:

JUDICIARY

APPROPRIATION SUMMARY

1	Full-time equated exempted positions	521.0	
2	GROSS APPROPRIATION		\$ 338,412,500
3	Interdepartmental grant revenues:		
4	Total interdepartmental grants and		
5	intradepartmental transfers		1,652,300
6	ADJUSTED GROSS APPROPRIATION		\$ 336,760,200
7	Federal revenues:		
8	Total federal revenues		6,374,800
9	Special revenue funds:		
10	Total local revenues		7,619,800
11	Total private revenues		1,222,600
12	Total other state restricted revenues		94,312,700
13	State general fund/general purpose		\$ 227,230,300
14	Sec. 102. SUPREME COURT		
15	Full-time equated exempted positions	250.0	
16	Community dispute resolution--FTEs	3.0	\$ 3,367,700
17	Direct trial court automation support--FTEs	44.0	7,619,800
18	Drug treatment courts		12,483,000
19	Foster care review board--FTEs	10.0	1,360,400
20	Judicial information systems--FTEs	24.0	5,021,700
21	Judicial institute--FTEs	13.0	2,115,400
22	Mental health courts and diversion services--		
23	FTE	1.0	5,571,800
24	Next generation Michigan court system		4,116,000
25	Other federal grants		275,100
26	State court administrative office--FTEs	63.0	11,331,000
27	Supreme court administration--FTEs	92.0	14,164,500
28	Swift and sure sanctions program		3,350,000

1	Veterans courts	1,036,400
2	GROSS APPROPRIATION	\$ 71,812,800
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from department of corrections	52,300
6	IDG from department of state police	1,500,000
7	IDG from mdsp Michigan justice training fund	100,000
8	Federal revenues:	
9	DOJ, drug court training and evaluation	300,000
10	DOT, National Highway Traffic Safety	
11	Administration	1,949,300
12	HHS, access and visitation grant	496,200
13	HHS, children's justice grant	246,000
14	HHS, court improvement project	942,700
15	HHS, state opioid response grant	350,000
16	HHS, title IV-D child support program	836,500
17	HHS, title IV-E foster care program	408,800
18	Other federal grant revenues	275,100
19	Special revenue funds:	
20	Local - user fees	7,619,800
21	Private	201,100
22	Private - interest on lawyers trust accounts	404,100
23	Private - state justice institute	529,000
24	Community dispute resolution fund	2,403,600
25	Court of appeals filing/motion fees	1,450,000
26	Drug court fund	1,920,500
27	Justice system fund	605,700
28	Law exam fees	758,700

1	Miscellaneous revenue		248,600
2	State court fund		404,100
3	State general fund/general purpose	\$	47,810,700
4	Sec. 103. COURT OF APPEALS		
5	Full-time equated exempted positions	175.0	
6	Court of appeals operations--FTEs	175.0	\$ 25,094,100
7	GROSS APPROPRIATION	\$	25,094,100
8	Appropriated from:		
9	State general fund/general purpose	\$	25,094,100
10	Sec. 104. BRANCHWIDE APPROPRIATIONS		
11	Full-time equated exempted positions	4.0	
12	Branchwide appropriations--FTEs	4.0	\$ 9,010,100
13	GROSS APPROPRIATION	\$	9,010,100
14	Appropriated from:		
15	State general fund/general purpose	\$	9,010,100
16	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
17	Judges positions--586.0 justices and judges		
18	Supreme court justices' salaries--7.0 justices	\$	1,270,500
19	Circuit court judges' state base salaries--		
20	217.0 judges		24,779,800
21	Circuit court judicial salary standardization		9,922,100
22	Court of appeals judges' salaries--25.0 judges		4,327,300
23	District court judges' state base salaries--		
24	234.0 judges		26,279,000
25	District court judicial salary standardization		10,699,500
26	Probate court judges' state base salaries--		
27	103.0 judges		11,667,700
28	Probate court judicial salary standardization		4,669,600

1	Judges' retirement system defined contributions		5,733,600
2	OASI, Social Security		6,683,000
3	GROSS APPROPRIATION	\$	106,032,100
4	Appropriated from:		
5	Special revenue funds:		
6	Court fee fund		1,970,800
7	State general fund/general purpose	\$	104,061,300
8	Sec. 106. JUDICIAL AGENCIES		
9	Full-time equated exempted positions	8.0	
10	Judicial tenure commission--FTEs	8.0	\$ 1,583,500
11	GROSS APPROPRIATION	\$	1,583,500
12	Appropriated from:		
13	State general fund/general purpose	\$	1,583,500
14	Sec. 107. INDIGENT DEFENSE - CRIMINAL		
15	Full-time equated exempted positions	56.0	
16	Appellate public defender program--FTEs	56.0	\$ 8,982,800
17	State employee legal services administration--		
18	FTEs	0.0	20,000,000
19	GROSS APPROPRIATION	\$	28,982,800
20	Appropriated from:		
21	Federal revenues:		
22	Other federal grant revenues		570,200
23	Special revenue funds:		
24	Private - interest on lawyers trust accounts		88,400
25	Miscellaneous revenue		172,400
26	State general fund/general purpose	\$	28,151,800
27	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
28	Indigent civil legal assistance	\$	7,937,000

1	GROSS APPROPRIATION		\$	7,937,000
2	Appropriated from:			
3	Special revenue funds:			
4	State court fund			7,937,000
5	State general fund/general purpose		\$	0
6	Sec. 109. TRIAL COURT OPERATIONS			
7	Full-time equated exempted positions	21.0		
8	Court equity fund reimbursements		\$	60,815,700
9	Drug case-flow program			250,000
10	Drunk driving case-flow program			3,300,000
11	Judicial technology improvement fund			4,815,000
12	Juror compensation reimbursement--FTE	1.0		6,608,000
13	Statewide e-file system--FTEs	20.0		11,028,300
14	GROSS APPROPRIATION		\$	86,817,000
15	Appropriated from:			
16	Special revenue funds:			
17	Court equity fund			50,440,000
18	Drug fund			250,000
19	Drunk driving fund			3,300,000
20	Electronic filing fee fund			11,028,300
21	Judicial technology improvement fund			4,815,000
22	Juror compensation fund			6,608,000
23	State general fund/general purpose		\$	10,375,700
24	Sec. 110. ONE-TIME APPROPRIATIONS			
25	Full-time equated exempted positions	7.0		
26	Compliance with Montgomery v Louisiana--FTEs	7.0	\$	939,100
27	Contract attorneys for Judicial Tenure			
28	Commission			204,000

GROSS APPROPRIATION	\$	1,143,100
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Appropriated from:		
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State general fund/general purpose	\$	1,143,100
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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 sources under part 1 for fiscal year 2021-2022 is \$321,543,000.00 and state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is \$148,056,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

Drug treatment courts	\$	8,838,000
Mental health courts and diversion services		5,571,800
Next generation Michigan court system		4,116,000
Swift and sure sanctions program		3,350,000
Veterans courts		1,036,400

COURT OF APPEALS

Court of appeals operations	\$	200,000
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JUSTICES' AND JUDGES' COMPENSATION

Circuit court judicial salary standardization	\$	9,922,100
District court judicial salary standardization		10,699,500
Probate court judges' state base salaries		11,667,700
Probate court judicial salary standardization		4,669,600

1	OASI, Social Security	1,168,200
2	TRIAL COURT OPERATIONS	
3	Court equity fund reimbursements	\$ 60,815,700
4	Drug case-flow program	250,000
5	Drunk driving case-flow program	3,300,000
6	Judicial technology improvement fund	4,815,000
7	Juror compensation reimbursement	6,608,000
8	Statewide e-file system	11,028,300
9	TOTAL	\$ 148,056,300

10 Sec. 202. (1) The appropriations authorized under this part
11 and part 1 are subject to the management and budget act, 1984 PA
12 431, MCL 18.1101 to 18.1594.

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

22 Sec. 203. As used in this part and part 1:

23 (a) "FTE" means full-time equated.

24 (b) "IDG" means interdepartmental grant.

25 (c) "OASI" means old age survivor's insurance.

26 Sec. 204. The reporting requirements of this part shall be
27 completed with the approval of, and at the direction of, the
28 supreme court, except as otherwise provided in this part. The
29 judicial branch shall use the internet to fulfill the reporting

1 requirements of this part. This requirement shall include
2 transmission of reports via electronic mail to the recipients
3 identified for each reporting requirement and it shall include
4 placement of reports on an internet site.

5 Sec. 205. Funds appropriated in part 1 shall not be used for
6 the purchase of foreign goods or services, or both, if
7 competitively priced and of comparable quality American goods or
8 services, or both, are available. Preference shall be given to
9 goods or services, or both, manufactured or provided by Michigan
10 businesses, if they are competitively priced and of comparable
11 quality. In addition, preference shall be given to goods or
12 services, or both, that are manufactured or provided by Michigan
13 businesses owned and operated by veterans, if they are
14 competitively priced and of comparable quality.

15 Sec. 207. Not later than January 1 of each year, the state
16 court administrative office shall prepare a report on out-of-state
17 travel listing all travel by judicial branch employees outside this
18 state in the immediately preceding fiscal year that was funded in
19 whole or in part with funds appropriated in the budget for the
20 judicial branch. The report shall be submitted to the senate and
21 house appropriations committees, the senate and house fiscal
22 agencies, and the state budget office. The report shall include the
23 following information:

24 (a) The dates of each travel occurrence.

25 (b) The transportation and related costs of each travel
26 occurrence, including the proportion funded with state general
27 fund/general purpose revenues, the proportion funded with state
28 restricted revenues, the proportion funded with federal revenues,
29 and the proportion funded with other revenues.

1 Sec. 209. Not later than November 30, the state budget office
2 shall prepare and transmit a report that provides for estimates of
3 the total general fund/general purpose appropriation lapses at the
4 close of the prior fiscal year. This report shall summarize the
5 projected year-end general fund/general purpose appropriation
6 lapses by major program or program areas. The report shall be
7 transmitted to the chairpersons of the senate and house
8 appropriations committees and the senate and house fiscal agencies.

9 Sec. 211. From the funds appropriated in part 1, the judicial
10 branch shall maintain a searchable website accessible by the public
11 at no cost that includes all expenditures made by the judicial
12 branch within a fiscal year. The posting shall include the purpose
13 for which each expenditure is made. The judicial branch shall not
14 provide financial information on its website under this section if
15 doing so would violate a federal or state law, rule, regulation, or
16 guideline that establishes privacy or security standards applicable
17 to that financial information.

18 Sec. 212. Within 14 days after the release of the executive
19 budget recommendation, the judicial branch shall cooperate with the
20 state budget office to provide the senate and house appropriations
21 committee chairs, the senate and house appropriations subcommittee
22 chairs, and the senate and house fiscal agencies with an annual
23 report on estimated state restricted fund balances, state
24 restricted fund projected revenues, and state restricted fund
25 expenditures for the prior 2 fiscal years.

26 Sec. 213. The judiciary shall maintain, on a publicly
27 accessible website, a scorecard that identifies, tracks, and
28 regularly updates key metrics that are used to monitor and improve
29 the judiciary's performance.

1 Sec. 214. Total authorized appropriations from all sources
2 under part 1 for legacy costs for the fiscal year ending September
3 30, 2022 are estimated at \$14,001,700.00. From this amount, total
4 judiciary appropriations for pension-related legacy costs are
5 estimated at \$7,844,500.00. Total judiciary appropriations for
6 retiree health care legacy costs are estimated at \$6,157,200.00.

7 Sec. 215. The judicial branch shall not take disciplinary
8 action against an employee for communicating with a member of the
9 legislature or his or her staff, unless the communication is
10 prohibited by law and the judicial branch is exercising its
11 authority as provided by law.

12 Sec. 216. It is the intent of the legislature that judges who
13 are presiding over a hearing on a foster care case shall publicly
14 acknowledge and request the input of the foster parent or foster
15 parents during the hearing.

16 Sec. 217. If the judicial branch makes any changes to a foster
17 care family service plan before its finalization, it is the intent
18 of the legislature that the presiding judge provide an explanation
19 for any changes to that plan in the court record.

20 Sec. 218. From the funds appropriated in part 1, the state
21 court administrative office shall identify programs, within the
22 department of health and human services, the department of labor
23 and economic opportunity, and the department of corrections, that
24 have programmatic connections with the participants in the swift
25 and sure sanctions program. The purpose of this relationship is to
26 leverage collaborations and to determine avenues of success for
27 offenders who are eligible for state-provided programs. The state
28 court administrative office shall provide guidance to courts
29 participating in the swift and sure sanctions program, under the

1 probation swift and sure sanctions act, chapter XIA of the code of
2 criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8, of the
3 available department of health and human services, department of
4 labor and economic opportunity, and department of corrections
5 programming.

6 Sec. 219. The judicial branch shall receive and retain copies
7 of all reports funded from appropriations in part 1. Federal and
8 state guidelines for short-term and long-term retention of records
9 shall be followed. The judicial branch may electronically retain
10 copies of reports unless otherwise required by federal and state
11 guidelines.

12 Sec. 220. From the funds appropriated in part 1 for state
13 employee legal services administration, the state appellate
14 defender office shall provide reimbursement of legal fees provided
15 as under section 8 of 1964 PA 170, MCL 691.1408. Such
16 reimbursements shall be administered by the state appellate
17 defender office, which shall receive applications for such
18 payments. If, upon receipt of an application, the state appellate
19 defender office finds an applicant is eligible under section 8 of
20 1964 PA 170, MCL 691.1408, to receive reimbursement or funding of
21 legal fees, the state appellate defender office shall approve and
22 pay such fees if both of the following conditions are met:

23 (a) The amount approved does not exceed the appropriation
24 amount provided for under this act.

25 (b) The state appellate defender office finds such fees to be
26 reasonable.

27
28 **JUDICIAL BRANCH**

29 Sec. 301. From the funds appropriated in part 1, the direct

1 trial court automation support program of the state court
2 administrative office shall recover direct and overhead costs from
3 trial courts by charging for services rendered. The fee shall cover
4 the actual costs incurred to the direct trial court automation
5 support program in providing the service, including development of
6 future versions of case management systems.

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, \$711,900.00 is allocated for circuit court
12 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and for
13 costs associated with the court of claims.

14 Sec. 304. A member of the legislature may request a report or
15 data from the data collected in the judicial data warehouse. The
16 report shall be made available to the public upon request, unless
17 disclosure is prohibited by court order or state or federal law.
18 Any data provided under this section shall be public and non-
19 identifying information.

20 Sec. 305. From the funds appropriated in part 1 for community
21 dispute resolution, community dispute resolution centers shall
22 provide dispute resolution services specified in the community
23 dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, and
24 shall help to reduce suspensions and truancy, and improve school
25 climate. Funding appropriated in part 1 for community dispute
26 resolution may be used to develop or expand juvenile diversion
27 services in cooperation with local prosecutors. Participation in
28 the dispute resolution processes is voluntary for all parties.

29 Sec. 307. From the funds appropriated in part 1 for mental

1 health courts and diversion services, \$1,730,000.00 is intended to
2 address the recommendations of the mental health diversion council.

3 Sec. 308. If sufficient funds are not available from the court
4 fee fund to pay judges' compensation, the difference between the
5 appropriated amount from that fund for judges' compensation and the
6 actual amount available after the amount appropriated for trial
7 court reimbursement is made shall be appropriated from the state
8 general fund for judges' compensation. If an appropriation is made
9 under this section, the state court administrative office shall
10 notify, within 14 days of the appropriation, the senate and house
11 standing committees on appropriations, the senate and house
12 appropriations subcommittees on judiciary, the senate and house
13 fiscal agencies, and the state budget office.

14 Sec. 309. By April 1, the state court administrative office
15 shall provide a report on drug treatment, mental health, and
16 veterans court programs in this state. The report shall include
17 information on the number of each type of program that has been
18 established, the number of program participants in each
19 jurisdiction, and the impact of the programs on offender criminal
20 involvement and recidivism. The report shall be submitted to the
21 senate and house appropriations subcommittees on judiciary, the
22 senate and house fiscal agencies, and the state budget office.

23 Sec. 311. (1) The funds appropriated in part 1 for drug
24 treatment courts as that term is defined in section 1060 of the
25 revised judicature act of 1961, 1961 PA 236, MCL 600.1060, shall be
26 administered by the state court administrative office to operate
27 drug treatment court programs. A drug treatment court shall be
28 responsible for handling cases involving substance abusing
29 nonviolent offenders through comprehensive supervision, testing,

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

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

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

15 (4) The judiciary shall receive \$1,500,000.00 in Byrne formula
16 grant funding as an interdepartmental grant from the department of
17 state police to be used for expansion of drug treatment courts, to
18 assist in avoiding prison bed space growth for nonviolent offenders
19 in collaboration with the department of corrections.

20 Sec. 320. (1) From the funds appropriated in part 1 for the
21 swift and sure sanctions program, created under section 3 of
22 chapter XIA of the code of criminal procedure, 1927 PA 175, MCL
23 771A.3, the state court administrative office shall administer a
24 program to distribute grants to qualifying courts in accordance
25 with the objectives and requirements of the probation swift and
26 sure sanctions act, chapter XIA of the code of criminal procedure,
27 1927 PA 175, MCL 771A.1 to 771A.8. Of the funds designated for the
28 program, not more than \$100,000.00 shall be available to the state
29 court administrative office to pay for employee costs associated

1 with the administration of the program funds. Of the funds
2 designated for the program, \$500,000.00 is reserved for programs in
3 counties that had more than 325 individuals sentenced to prison in
4 the previous calendar year. Courts interested in participating in
5 the swift and sure sanctions program may apply to the state court
6 administrative office for a portion of the funds appropriated in
7 part 1 under this section.

8 (2) By April 1, the state court administrative office, in
9 cooperation with the department of corrections, shall provide a
10 report on the courts that receive funding under the swift and sure
11 sanctions program described in subsection (1) to the senate and
12 house appropriations subcommittees on judiciary, the senate and
13 house fiscal agencies, and the state budget office. The report
14 shall include all of the following:

15 (a) The number of offenders who participate in the program.

16 (b) The criminal history of offenders who participate in the
17 program.

18 (c) The recidivism rate of offenders who participate in the
19 program, including the rate of return to jail, prison, or both.

20 (d) A detailed description of the establishment and parameters
21 of the program.

22 (e) A list of courts participating in the program.

23 (f) An accounting of prior year expenditures, including grant
24 amounts requested by the courts, grant amounts awarded to the
25 courts, and grant amounts expended by the courts.

26 (3) As used in this section, "program" means a swift and sure
27 sanctions program described in subsection (1).

28 Sec. 321. From the funds appropriated in part 1, the judicial
29 branch shall support a statewide legal self-help internet website

1 and local nonprofit self-help centers that use the statewide
2 website to provide assistance to individuals representing
3 themselves in civil legal proceedings. The state court
4 administrative office shall summarize the costs of maintaining the
5 website, provide statistics on the number of people visiting the
6 website, and provide information on content usage, form completion,
7 and user feedback. By March 1, the state court administrative
8 office shall report this information for the preceding fiscal year
9 to the senate and house appropriations subcommittees on judiciary,
10 the senate and house fiscal agencies, and the state budget office.

11 Sec. 322. If Byrne formula grant funding is awarded to the
12 state appellate defender in excess of the amount appropriated in
13 part 1, the state appellate defender office may receive and expend
14 Byrne formula grant funds in an amount not to exceed \$250,000.00 as
15 an interdepartmental grant from the department of state police. If
16 the appellate defender appointed under section 3 of the appellate
17 defender act, 1978 PA 620, MCL 780.713, receives federal grant
18 funding from the United States Department of Justice in excess of
19 the amount appropriated in part 1, the office of appellate defender
20 may receive and expend grant funds in an amount not to exceed
21 \$300,000.00 as other federal grants.

22 Sec. 324. (1) From the funds appropriated in part 1 for the
23 medication-assisted treatment program, the judiciary shall maintain
24 a medication-assisted treatment program to provide treatment for
25 opioid-addicted and alcohol-addicted individuals who are referred
26 to and voluntarily participate in the medication-assisted treatment
27 program.

28 (2) By February 1, the judiciary shall report on the
29 medication-assisted treatment program. The report shall include

1 itemized spending by court, the number of participants, and
2 statistics that indicate average program participation duration and
3 success rates.

4
5 **ONE-TIME APPROPRIATIONS**

6 Sec. 402. (1) From the funds appropriated in part 1, the state
7 appellate defender office attorneys and support staff shall ensure
8 Michigan compliance with *Montgomery v Louisiana*, 577 US _____
9 (2016). The purpose of the program is to ensure competent,
10 resourced, and supervised counsel in cases involving the
11 resentencing of juvenile lifers. The representation by state
12 appellate defender office counsel will create opportunities for
13 release, saving prison costs for the state.

14 (2) The state appellate defender office shall submit a report
15 by September 30 to the senate and house appropriations
16 subcommittees on judiciary, the senate and house fiscal agencies,
17 and the state budget office on the number of juvenile lifer cases
18 investigated and prepared by the state appellate defender office.
19 The report shall include a calculation of hours spent and focus on
20 incremental costs associated with investigating and conducting a
21 robust examination of each case, with particular emphasis on those
22 costs that may be avoided after the cases have been disposed.