

FY 2012-13: JUDICIARY
Summary: Conference Report
Senate Bill 957 (CR-1)



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	FY 2011-12 YTD as of 2/9/12	FY 2012-13 Revised Executive	FY 2012-13 House	FY 2012-13 Senate	FY 2012-13 Conference	Difference: Senate From FY 2011-12 YTD	
						Amount	%
IDG/IDT	\$3,602,700	\$2,638,200	\$2,638,200	\$2,638,200	\$2,638,200	(\$964,500)	(26.8)
Federal	5,694,800	6,017,100	6,017,100	6,017,100	6,017,100	322,300	5.7
Local	6,560,700	7,049,300	7,049,300	7,049,300	7,049,300	488,600	7.4
Private	869,700	921,800	921,800	921,800	921,800	52,100	6.0
Restricted	88,319,000	88,582,200	88,582,200	88,582,200	86,382,200	(1,956,800)	(2.2)
GF/GP	154,740,300	163,551,500	162,856,200	168,551,500	170,751,500	16,011,200	10.3
Gross	\$259,787,200	\$268,760,100	\$268,064,800	\$273,760,100	\$273,760,100	\$13,972,900	5.4
FTEs	491.0	472.0	472.0	472.0	472.0	(19.0)	(3.9)

Notes: (1) FY 2011-12 year-to-date (YTD) figures include mid-year budget adjustments through February 9, 2012, as well as adjustments for Other Post Employment Benefit prefunding under Senate Bill 683.
(2) Appropriation figures for all years include all proposed appropriation amounts, including both standard line items and appropriations designated as one-time.

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.

Major Budget Changes From FY 2011-12 YTD Appropriations

1. Fund Shift and Increase for Swift-and-Sure Sanctions Program
Executive maintains funding at \$1.0 million, with GF/GP funds replacing an IDG from the Department of Corrections. Boilerplate adjustments expand grant eligibility criteria to courts with a concurrent jurisdiction plan. House concurs with funding amount, but retains boilerplate limiting eligible counties to those with unified trial courts. Senate concurs with fund shift, adds an additional \$5.0 million gross (\$3.2 million GF/GP), and expands definition of eligible counties (see boilerplate Sec. 320). Conference concurs with Senate, with changes to boilerplate Sec 320.

	FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference Change
Gross	\$1,000,000	\$5,000,000
IDG/IDT	1,000,000	(1,000,000)
Restricted	0	1,729,400
GF/GP	\$0	\$4,270,600

2. Continuance and Expansion of Mental Health Courts
Executive proposes \$2.1 million GF/GP for funding and expansion of mental health courts, and one FTE to conduct mental health court evaluations. House reduces executive recommendation by \$50,000 GF/GP. Senate and Conference concur with executive recommendation.

FTE	N/A	1.0
Gross	N/A	\$2,100,000
GF/GP	N/A	\$2,100,000

3. Replace Court Fee Revenue with GF
Executive reduces Court Fee Fund revenue for judicial salaries by \$2.2 million due to reductions in expected revenue, replacing with GF/GP. Conference concurs with executive recommendation.

Gross	\$94,562,800	\$0
Restricted	7,090,200	(2,200,000)
GF/GP	\$87,472,600	\$2,200,000

4. Drug Court Funding Increase
Executive proposes an additional \$1.25 million for drug court funding. House reduces executive recommendation by \$77,000 GF/GP. Senate and Conference concur with executive recommendation.

Gross	N/A	\$1,250,000
GF/GP	N/A	\$1,250,000

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference Change
5. Court of Appeals Fund Source Transfer	Gross	N/A	\$0
<u>Senate</u> replaces \$1.7 million in restricted fund revenue with GF/GP. The associated restricted fund revenues (filing/motion fees and miscellaneous revenue) are added to the fund increase for the swift-and-sure sanctions program in item 1. <u>Conference</u> concurs with <u>Senate</u> .	Restricted	N/A	(1,729,400)
	GF/GP	N/A	\$1,729,400
6. State Appellate Defender Office (SADO) Staff Increases	FTE	39.0	3.0
<u>Executive</u> adds funding of \$225,000 GF/GP for additional staff to assist in meeting the statutory requirement that SADO handle 25% of indigent appellate defense cases. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur.	Gross	\$5,322,800	\$225,000
	GF/GP	\$4,582,700	\$225,000
7. Additional Court Consolidation Staff	FTE	N/A	2.0
<u>Executive</u> adds funding of \$160,000 GF/GP for 2.0 FTEs at the State Court Administrative Office, to facilitate ongoing consolidation efforts, performance metrics, and operating efficiencies. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur.	Gross	N/A	\$160,000
	GF/GP	N/A	\$160,000
8. Reduced Funding for Eliminated Judgeships	Gross	\$94,279,400	(\$199,600)
<u>Executive</u> adjusts budget for statutory changes in the number of judgeships resulting from PA 300 of 2011. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur.	Restricted	7,090,200	0
	GF/GP	\$87,189,200	(\$199,600)
9. Funding for Court of Appeals Judges	Gross	N/A	\$342,600
<u>Executive</u> adds funding for two Court of Appeals judges. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur.	GF/GP	N/A	\$342,600
10. Economics Adjustments	Gross	N/A	\$4,272,800
<u>Executive</u> funds economics adjustments as follows for FY 2012-2013. <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur.	IDG/IDT	N/A	29,700
	Federal	N/A	271,100
	Local	N/A	410,000
	Private	N/A	43,900
<ul style="list-style-type: none"> Salaries, Wages, & OASI: \$949,400 Gross, \$753,500 GF/GP Insurance: (\$313,500) Gross, (\$246,700) GF/GP Retirement: \$3,768,300 Gross, \$2,924,400 GF/GP Worker's Compensation: (\$85,600) Gross & GF/GP Rent & Building Occupancy: (\$45,800) Gross & (\$49,300) GP/GP 	Restricted	N/A	221,800
	GF/GP	N/A	\$3,296,300
11. One-Time Appropriations	Gross	N/A	\$827,200
<u>Executive</u> proposes \$827,200 Gross (\$636,900 GF/GP) designated as a one-time appropriation (in boilerplate section 401) for lump sum payments to state employees <u>House</u> , <u>Senate</u> , and <u>Conference</u> concur but appropriate in separate line item unit.	IDG/IDT	N/A	9,100
	Federal	N/A	51,200
	Local	N/A	78,600
	Private	N/A	8,200
	Restricted	N/A	43,200
	GF/GP	N/A	\$636,900

Major Boilerplate Changes From FY 2011-12

Sec. 215. Out-of-State Travel - REVISED

Requires the judiciary prepare a travel report listing all travel by judicial branch employees in the preceding fiscal year. Executive strikes current law, House strikes limitations on out-of-state travel, and reduces reporting requirement to the dates and costs of transportation for each travel occurrence. Senate retains current YTD language. Conference uses House language.

Sec. 311. Drug Courts - REVISED

Specifies criteria for drug court grants; provides \$1.8 million IDG of Byrne grant revenue for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders. Executive removes subsection authorizing judiciary to receive and expend funds from U.S. Department of Transportation in an amount not to exceed \$450,000 for drug treatment courts. House, Senate, and Conference concur.

Major Boilerplate Changes From FY 2011-12

Sec. 320. Swift-and-Sure Sanctions Pilot Program - REVISED

Authorizes \$1.0 million GF/GP appropriated in part 1 to be expended for swift-and-sure sanction program. Executive expands the definition of "qualifying county" to include counties with a drug treatment court and concurrent jurisdiction plan. House keeps current year definition of "qualifying county," adds a definition for the term "unified trial court." Senate removes requirements for concurrent jurisdiction or unified trial court plans, expands eligibility to DWI/sobriety courts. Conference includes requirement for unified trial court or drug court, allows for \$100,000 of swift-and-sure money to be used for administration, and includes definition of unified trial court. Preference is given to courts which have had swift-and-sure programs in prior years, or have higher numbers of residents or former residents under the supervision of the Department of Corrections.

Sec. 322. State Appellate Defender Office Byrne Formula Grant - REVISED

Executive provides that, if Byrne formula grant funding is awarded to the State Appellate Defender Office (SADO), SADO may receive and expend funding not exceeding \$250,000 as an IDG from the Department of State Police. House, Senate, and Conference concur.

Sec. 1201. Anticipated FY 2013-14 Appropriations

States legislative intent to provide appropriations for FY 2013-14, adjusting FY 2012-13 amounts based on economic and other factors.