

DRAFT 1  
**SUBSTITUTE FOR**  
**HOUSE BILL NO. 5375**

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2013; 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  
FOR FISCAL YEAR 2012-2013

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, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:



1 **JUDICIARY**

## 2 APPROPRIATIONS SUMMARY

3	Full-time equated exempted positions .....	472.0	
4	GROSS APPROPRIATION .....		\$ 268,074,600
5	Interdepartmental grant revenues:		
6	Total interdepartmental grants and intradepartmental		
7	transfers.....		2,638,200
8	ADJUSTED GROSS APPROPRIATION .....		\$ 265,436,400
9	Federal revenues:		
10	Total federal revenues .....		6,017,100
11	Special revenue funds:		
12	Total local revenues .....		7,049,300
13	Total private revenues .....		921,800
14	Total other state restricted revenues .....		88,582,200
15	State general fund/general purpose .....		\$ 162,865,700
16	<b>Sec. 102. SUPREME COURT</b>		
17	Full-time equated exempted positions .....	237.0	
18	Supreme court administration--92.0 FTE positions .....		\$ 12,577,300
19	Judicial institute--13.0 FTE positions .....		2,135,400
20	State court administrative office--61.0 FTE positions .....		13,518,900
21	Judicial information systems--22.0 FTE positions .....		3,470,400
22	Direct trial court automation support--36.0 FTE		
23	positions.....		6,970,700
24	Foster care review board--10.0 FTE positions .....		1,484,700
25	Community dispute resolution--3.0 FTE positions .....		2,350,900
26	Other federal grants .....		275,100
27	Drug treatment courts .....		8,306,000



1	Community court pilot project .....	<u>19,800</u>
2	GROSS APPROPRIATION .....	\$ 51,109,200
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from department of state police .....	1,826,200
6	IDG from department of corrections .....	50,000
7	IDG from state police - Michigan justice training fund	300,000
8	Federal revenues:	
9	DOJ, victims assistance programs .....	54,300
10	DOJ, drug court training and evaluation .....	300,000
11	DOT, national highway traffic safety administration ..	1,380,900
12	HHS, access and visitation grant .....	593,800
13	HHS, children's justice grant .....	222,600
14	HHS, court improvement project .....	1,251,900
15	HHS, title IV-D child support program .....	979,700
16	HHS, title IV-E foster care program .....	625,900
17	Other federal grant revenues .....	275,100
18	Special revenue funds:	
19	Local - user fees .....	6,970,700
20	Private .....	182,500
21	Private - interest on lawyers trust accounts .....	251,100
22	Private - state justice institute .....	401,000
23	Community dispute resolution fund .....	2,350,900
24	Law exam fees .....	608,900
25	Drug court fund .....	1,920,500
26	Miscellaneous revenue .....	248,300
27	Justice system fund .....	755,400



1	State court fund .....		365,900
2	State general fund/general purpose .....	\$	29,193,600
3	<b>Sec. 103. COURT OF APPEALS</b>		
4	Full-time equated exempted positions .....	175.0	
5	Court of appeals operations--175.0 FTE positions .....	\$	<u>21,346,600</u>
6	GROSS APPROPRIATION .....	\$	21,346,600
7	Appropriated from:		
8	Special revenue funds:		
9	Court filing/motion fees .....		1,641,800
10	Miscellaneous revenue .....		87,600
11	State general fund/general purpose .....	\$	19,617,200
12	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>		
13	Full-time equated exempted positions .....	4.0	
14	Branchwide appropriations--4.0 FTE positions .....	\$	<u>8,365,400</u>
15	GROSS APPROPRIATION .....	\$	8,365,400
16	Appropriated from:		
17	State general fund/general purpose .....	\$	8,365,400
18	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>		
19	Full-time judges positions .....	606.0	
20	Supreme court justices' salaries--7.0 justices .....	\$	1,152,300
21	Court of appeals judges' salaries--28.0 judges .....		4,240,300
22	District court judges' state base salaries--250.0		
23	judges .....		23,183,300
24	District court judicial salary standardization .....		11,453,900
25	Probate court judges' state base salaries--104.0		
26	judges .....		9,722,100
27	Probate court judicial salary standardization .....		4,715,300

1	Circuit court judges' state base salaries--218.0	
2	judges.....	20,558,100
3	Circuit court judicial salary standardization .....	9,979,300
4	Judges' retirement system defined contributions .....	3,998,400
5	OASI, social security .....	<u>5,559,800</u>
6	GROSS APPROPRIATION .....	\$ 94,562,800
7	Appropriated from:	
8	Special revenue funds:	
9	Court fee fund.....	7,090,200
10	State general fund/general purpose .....	\$ 87,472,600
11	<b>Sec. 106. JUDICIAL AGENCIES</b>	
12	Full-time equated exempted positions .....	7.0
13	Judicial tenure commission--7.0 FTE positions .....	\$ <u>1,075,100</u>
14	GROSS APPROPRIATION .....	\$ 1,084,600
15	Appropriated from:	
16	State general fund/general purpose .....	\$ 1,084,600
17	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
18	Full-time equated exempted positions .....	49.0
19	Appellate public defender program--42.0 FTE positions	\$ 6,109,300
20	Appellate assigned counsel administration--7.0 FTE	
21	positions.....	<u>1,032,100</u>
22	GROSS APPROPRIATION .....	\$ 7,141,400
23	Appropriated from:	
24	Interdepartmental grant revenues:	
25	IDG from state police - Michigan justice training fund	452,900
26	Federal revenues:	
27	Other federal grant revenue .....	281,700



1	Special revenue funds:	
2	Private - interest on lawyers trust accounts .....	79,000
3	Miscellaneous revenue .....	127,500
4	State general fund/general purpose .....	\$ 6,200,300
5	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
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	<b>Sec. 109. TRIAL COURT OPERATIONS</b>	
13	Court equity fund reimbursements .....	\$ 60,735,100
14	Judicial technology improvement .....	<u>4,815,000</u>
15	GROSS APPROPRIATION .....	\$ 65,550,100
16	Appropriated from:	
17	Special revenue funds:	
18	Court equity fund .....	50,440,000
19	Judicial technology improvement fund .....	4,815,000
20	State general fund/general purpose .....	\$ 10,295,100
21	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>	
22	<b>GOVERNMENT</b>	
23	Drug case-flow program .....	\$ 250,000
24	Drunk driving case-flow program .....	3,300,000
25	Juror compensation reimbursement .....	<u>6,600,000</u>
26	GROSS APPROPRIATION .....	\$ 10,150,000
27	Appropriated from:	



1	Special revenue funds:	
2	Drug fund .....	250,000
3	Drunk driving fund .....	3,300,000
4	Juror compensation fund .....	6,600,000
5	State general fund/general purpose .....	\$ 0
6	<b>Sec. 111. ONE-TIME BASIS ONLY</b>	
7	State employee lump-sum payments .....	\$ <u>827,500</u>
8	GROSS APPROPRIATION .....	\$ 827,500
9	Appropriated from:	
10	Interdepartmental grant revenues:	
11	One-time interdepartmental grant .....	9,100
12	Federal revenues:	
13	One-time federal revenues .....	51,200
14	Local - one-time local revenue .....	78,600
15	One-time private revenue .....	8,200
16	One-time state restricted revenue .....	43,200
17	State general fund/general purpose .....	\$ 636,900

18 PART 2  
 19 PROVISIONS CONCERNING APPROPRIATIONS  
 20 FOR FISCAL YEAR 2012-2013

21 **GENERAL SECTIONS**

22 Sec. 201. Pursuant to section 30 of article IX of the state  
 23 constitution of 1963, total state spending from state resources  
 24 under part 1 for fiscal year 2012-2013 is \$251,447,900.00 and state  
 25 spending from state resources to be paid to local units of



1 government for fiscal year 2012-2013 is \$121,977,200.00. The  
 2 itemized statement below identifies appropriations from which  
 3 spending to local units of government will occur:

4 JUDICIARY

5 SUPREME COURT

6	State court administrative office .....	\$	1,461,900
7	Drug treatment courts .....		8,006,000

8 TRIAL COURT OPERATIONS

9	Court equity fund reimbursements .....	\$	60,735,100
10	Judicial technology improvement fund .....		4,815,000

11 JUSTICES' AND JUDGES' COMPENSATION

12	District court judicial salary standardization .....	\$	11,453,900
13	Probate court judges' state base salaries .....		9,722,100
14	Probate court judicial salary standardization .....		4,715,300
15	Circuit court judicial salary standardization .....		9,979,300
16	Grant to OASI contribution fund, employers share,		
17	social security.....		938,600

18 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

19	Drunk driving case-flow program .....	\$	3,300,000
20	Drug case-flow program .....		250,000
21	Juror compensation reimbursement .....		<u>6,600,000</u>

22	TOTAL .....	\$	121,977,200
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23       Sec. 202. (1) The appropriations authorized under this act are  
 24 subject to the management and budget act, 1984 PA 431, MCL 18.1101  
 25 to 18.1594.

26       (2) Funds appropriated in part 1 to an entity within the  
 27 judicial branch shall not be expended or transferred to another



1 account without written approval of the authorized agent of the  
2 judicial entity. If the authorized agent of the judicial entity  
3 notifies the state budget director of its approval of an  
4 expenditure or transfer, the state budget director shall  
5 immediately make the expenditure or transfer. The authorized  
6 judicial entity agent shall be designated by the chief justice of  
7 the supreme court.

8 Sec. 203. As used in this act:

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

10 (b) "DOT" means the United States department of  
11 transportation.

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

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

15 (e) "IDG" means interdepartmental grant.

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

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

20 Sec. 208. The reporting requirements of this act shall be  
21 completed with the approval of, and at the direction of, the  
22 supreme court, except as otherwise provided in this act. The  
23 judicial branch shall use the Internet to fulfill the reporting  
24 requirements of this act. This requirement may include transmission  
25 of reports via electronic mail to the recipients identified for  
26 each reporting requirement, or it may include placement of reports  
27 on an Internet or Intranet site.



1           Sec. 212. The judicial branch receiving appropriations in part  
2 1 shall receive and retain copies of all reports funded from  
3 appropriations in part 1. Federal and state guidelines for short-  
4 term and long-term retention of records shall be followed. The  
5 judicial branch may electronically retain copies of reports unless  
6 otherwise required by federal and state guidelines.

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

17           Sec. 215. Not later than January 1 of each year, the state  
18 court administrative office shall prepare a travel report listing  
19 all travel by judicial branch employees outside this state in the  
20 immediately preceding fiscal year that was funded in whole or in  
21 part with funds appropriated in the budget for the judicial branch.  
22 The report shall be submitted to the senate and house of  
23 representatives standing committees on appropriations, the senate  
24 and house fiscal agencies, and the state budget director. The  
25 report shall include the following information:

26           (a) The dates of each travel occurrence.

27           (b) The total transportation and related costs of each travel



1 occurrence, including the proportion funded with state general  
2 fund/general purpose revenues, the proportion funded with state  
3 restricted revenues, the proportion funded with federal revenues,  
4 and the proportion funded with other revenues.

5       Sec. 219. Not later than November 15, 2013, the judiciary  
6 shall prepare and transmit a report that provides for estimates of  
7 the total general fund/general purpose appropriation lapses at the  
8 close of the fiscal year. This report shall summarize the projected  
9 year-end general fund/general purpose appropriation lapses by major  
10 program or program areas. The report shall be transmitted to the  
11 office of the state budget, the chairpersons of the senate and  
12 house appropriations committees, and the senate and house fiscal  
13 agencies.

14       Sec. 221. From the funds appropriated in part 1, the judicial  
15 branch shall develop, post, and maintain, on a user-friendly and  
16 publicly accessible Internet site, all expenditures made by the  
17 judicial branch within a fiscal year. The posting shall include the  
18 purpose for which each expenditure is made. The judicial branch  
19 shall not provide financial information on its website under this  
20 section if doing so would violate a federal or state law, rule,  
21 regulation, or guideline that establishes privacy or security  
22 standards applicable to that financial information.

23       Sec. 222. Within 14 days after the release of the executive  
24 budget recommendation, the judicial branch shall provide the state  
25 budget director, the senate and house appropriations chairs, the  
26 senate and house appropriations subcommittees on the judiciary,  
27 respectively, and the senate and house fiscal agencies with an



1 annual report on estimated state restricted fund balances, state  
2 restricted fund projected revenues, and state restricted fund  
3 expenditures for the fiscal years ending September 30, 2012 and  
4 September 30, 2013.

5 **JUDICIAL BRANCH**

6 Sec. 301. Pursuant to the appropriations in part 1, the direct  
7 trial court automation support program of the state court  
8 administrative office shall recover direct and overhead costs from  
9 trial courts by charging for services rendered. The fee shall cover  
10 the actual costs incurred to the direct trial court automation  
11 support program in providing the service, including development of  
12 future versions of case management systems.

13 Sec. 302. Funds appropriated within the judicial branch shall  
14 not be expended by any component within the judicial branch without  
15 the approval of the supreme court.

16 Sec. 303. Of the amount appropriated in part 1 for the  
17 judicial branch, \$325,000.00 is allocated for circuit court  
18 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
19 \$186,900.00 is allocated for court of claims reimbursement under  
20 section 6413 of the revised judicature act of 1961, 1961 PA 236,  
21 MCL 600.6413.

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

25 Sec. 308. If sufficient funds are not available from the court  
26 fee fund to pay judges' compensation, the difference between the



1 appropriated amount from that fund for judges' compensation and the  
2 actual amount available after the amount appropriated for trial  
3 court reimbursement is made shall be appropriated from the state  
4 general fund for judges' compensation.

5       Sec. 309. By April 1, 2013, the state court administrative  
6 office shall provide an update on the status of the pilot mental  
7 health courts to the state budget director, the senate and house  
8 appropriations subcommittees on the judiciary, and the senate and  
9 house fiscal agencies.

10       Sec. 310. From the funds appropriated in part 1 for drug  
11 treatment court programs, with the approval of and at the  
12 discretion of the supreme court, the state court administrative  
13 office shall evaluate and collect data on the performance of drug  
14 treatment court programs. The state court administrative office  
15 shall provide an annual review of the performance of drug courts as  
16 prescribed in section 1078(6) of the revised judicature act of  
17 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that  
18 annual review:

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

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

26       (c) The evaluation of a program funded with federal Byrne  
27 funds shall be consistent with the requirements contained in the



1 federal Byrne grant for that program.

2       Sec. 311. (1) The funds appropriated in part 1 for drug  
3 treatment courts shall be administered by the state court  
4 administrative office to operate drug treatment court programs. A  
5 drug treatment court shall be responsible for handling cases  
6 involving substance abusing nonviolent offenders through  
7 comprehensive supervision, testing, treatment services, and  
8 immediate sanctions and incentives. A drug treatment court shall  
9 use all available county and state personnel involved in the  
10 disposition of cases including, but not limited to, parole and  
11 probation agents, prosecuting attorneys, defense attorneys, and  
12 community corrections providers. The funds may be used in  
13 connection with other federal, state, and local funding sources.

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

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

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

26       Sec. 312. From the funds appropriated in part 1, the state  
27 court administrator shall produce a statistical report regarding



1 the implementation of the parental rights restoration act, 1990 PA  
2 211, MCL 722.901 to 722.908, as it pertains to minors seeking a  
3 court-issued waiver of parental consent. The state court  
4 administrative office shall report the total number of petitions  
5 filed and the total number of petitions granted in accordance with  
6 section 208.

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

12       Sec. 318. The funds appropriated in part 1 for the community  
13 court pilot project shall be used for the purposes of administering  
14 a pilot program of neighborhood-focused community courts. The state  
15 court administrative office shall work collaboratively with the  
16 designated courts when establishing the community courts.

17       Sec. 320. (1) From the funds appropriated in part 1 for drug  
18 treatment courts, \$1,000,000.00 shall be administered by the state  
19 court administrative office to distribute to qualifying counties to  
20 support a swift-and-sure sanctions pilot program. A qualifying  
21 county shall apply to the state court administrative office for a  
22 portion of the funds appropriated in part 1.

23       (2) A qualifying county that receives funding under this  
24 section shall provide a report on the pilot program to the state  
25 budget director, the senate and house appropriations subcommittees  
26 on the judiciary, and the senate and house fiscal agencies. The  
27 report shall include all of the following:



1 (a) The number of offenders who participate in the pilot  
2 program.

3 (b) The criminal history of offenders who participate in the  
4 pilot program.

5 (c) The recidivism rate of offenders who participate in the  
6 pilot program, including the rate of return to jail, prison, or  
7 both.

8 (d) A detailed description of the establishment and parameters  
9 of the pilot program.

10 (3) As used in this section:

11 (a) "Pilot program" means a swift-and-sure sanctions pilot  
12 program.

13 (b) "Qualifying county" means a county that has both of the  
14 following:

15 (i) A drug treatment court.

16 (ii) A unified trial court system.

17 (c) "Unified trial court system" means a trial court district  
18 in which all of the circuit, district, and probate court judges may  
19 be assigned to any division of that trial court district to meet  
20 the demands of the trial court district's caseload.

21 Sec. 321. It is the intent of the legislature that the  
22 judicial branch support a statewide legal self-help Internet  
23 website and local nonprofit self-help centers that use the  
24 statewide website to provide assistance to individuals representing  
25 themselves in civil legal proceedings.

26 Sec. 322. If Byrne formula grant funding is awarded to the  
27 state appellate defender office, the state appellate defender

1 office may receive and expend Byrne formula grant funds in an  
 2 amount not exceeding \$250,000.00 as an interdepartmental grant from  
 3 the department of state police.

4 PART 2A  
 5 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS  
 6 FOR FISCAL YEAR 2013-2014

7 Sec. 1201. It is the intent of the legislature to provide  
 8 appropriations for the fiscal year ending on September 30, 2014 for  
 9 the line items listed in part 1. The fiscal year 2013-2014  
 10 appropriations are anticipated to be the same as those for fiscal  
 11 year 2012-2013, except that the line items will be adjusted for  
 12 changes in caseload and related costs, federal fund match rates,  
 13 economic factors, available revenue, and the exclusion of  
 14 appropriations designated as 1-time appropriations. Specific  
 15 anticipated adjustments are as follows, subject to adjustment after  
 16 the May 2013 consensus revenue estimating conference:

17	Economics adjustments .....	\$	<u>1,607,900</u>
18	GROSS APPROPRIATION .....	\$	1,607,900
19	Appropriated from:		
20	Interdepartmental grant revenues:		
21	Interdepartmental grant revenues .....		2,600
22	Federal revenues:		
23	Federal revenues .....		39,700
24	Local - user fees .....		65,000
25	Private .....		6,100



1	State restricted revenues .....	16,900
2	State general fund/general purpose ..... \$	1,477,600

