

FY 2014-15: JUDICIARY
Summary: Conference Report
Senate Bill 771 (S-1) CR-1



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IDG/IDT	FY 2013-14 YTD as of 2/5/14	FY 2014-15 Revised Executive	FY 2014-15 House	FY 2014-15 Senate	FY 2014-15 Conference	Difference: Conference From FY 2013-14 YTD	
						Amount	%
	\$2,350,500	\$2,364,400	\$2,364,400	\$2,364,400	\$2,364,400	\$13,900	0.6
Federal	5,343,900	6,437,400	6,437,400	6,437,400	6,437,400	1,093,500	20.5
Local	7,133,100	7,241,100	7,241,100	7,241,100	7,241,100	108,000	1.5
Private	931,500	944,800	944,800	944,800	944,800	13,300	1.4
Restricted	84,213,800	84,252,500	84,252,500	84,252,500	84,252,500	38,700	0.0
GF/GP	183,441,300	187,277,400	188,242,900	185,742,900	186,527,400	3,086,100	1.7
Gross	\$283,414,100	\$288,517,600	\$289,483,100	\$286,983,100	\$287,767,600	\$4,353,500	1.5
FTEs	483.0	489.0	489.0	486.0	488.0	5.0	1.0

Notes: (1) FY 2013-14 year-to-date figures include mid-year budget adjustments through February 5, 2014. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government. The Judiciary budget provides operational funding for the Michigan Supreme Court, the Court of Appeals, and related judicial agencies. The budget 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. Funding assistance for local trial court operations is provided through a variety of grant programs. The largest of these, the Court Equity Fund Reimbursement program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

NOTE: Information on House budget action in this document is based on House Bill 5313 as reported by the House Appropriations Committee.

Major Budget Changes From FY 2013-14 YTD Appropriations	FY 2013-14 Year-to-Date (as of 2/5/14)	FY 2014-15 Conference Change
1. Mental Health Diversion Program	Gross	NA
<u>Executive</u> includes an additional \$1.7 million for judiciary's role in a multi-agency statewide mental health diversion program. Assisted Outpatient Treatment is a court-ordered program of community-based mental health services designed to improve outcomes for people with serious mental illness who have a history of repeated incarcerations. Funding will be used for reinforcement of existing mental health courts through court coordination, mental health services, substance abuse treatment, housing, and transportation services (\$1.0 million) and for court evaluations, attorney services, and training (\$730,000). <u>House</u> concurs. <u>Senate</u> includes \$1.1 million. <u>Conference</u> concurs with Executive/House.	GF/GP	NA
		\$1,730,000
		\$1,730,000
2. Regionalization and Expansion of Specialty Courts	Gross	\$9,583,000
<u>Executive</u> includes additional federal funding made available for drug treatment courts, for regionalization and expansion of driving while intoxicated/sobriety courts, and for evaluation of the ignition interlock program. The goal is to make the courts available to more citizens in the state by regionalizing courts to serve multiple jurisdictions and expanding the number of courts available. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	IDG	1,500,000
	Federal	800,000
	Restricted	1,920,500
	GF/GP	\$5,362,500
		\$1,375,000
		0
		1,375,000
		0
		\$0

Major Budget Changes From FY 2013-14 YTD Appropriations		FY 2013-14 Year-to-Date (as of 2/5/14)	FY 2014-15 Conference Change
3. Michigan Indigent Defense Commission	FTE	NA	4.0
<u>Executive</u> includes additional funding for implementation of the Michigan Indigent Defense Commission (MIDC), which was established under Public Act 93 of 2013. The MIDC was created as an autonomous entity in the judicial branch to develop and oversee the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services are consistently delivered to all indigent adults throughout the state. The MIDC is charged with hiring an executive director and the appropriate number of staff needed to accomplish the purpose of the MIDC. The appropriation will support hiring administrative staff for the commission and staff-related costs. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	Gross	NA	\$1,000,000
	GF/GP	NA	\$1,000,000
4. Next Gen/MiCS	Gross	\$3,490,700	\$634,300
<u>Executive</u> includes an additional \$634,300 to assist with implementation of a unified case management information system, called the Next Generation Michigan Court System (Next Gen/MiCS). A one-time appropriation of \$3.5 million GF/GP is included in the FY 2013-14 budget. That funding, along with the additional \$634,300, will be considered an on-going appropriation in the FY 2014-15 budget. The new system will combine the four current legacy case management systems in at least 264 trial court locations that are built on technology that is almost 30 years old. Funding will also be used to train the more than 4,000 users of the system. <u>House</u> concurs. <u>Senate</u> includes an additional \$9,300 and maintains the appropriation as a one-time appropriation. <u>Conference</u> concurs with Executive/House.	GF/GP	\$3,490,700	\$634,300
5. Savings for Eliminated Judgeships	Gross	NA	(\$1,528,500)
<u>Executive</u> reflects a savings from elimination of 5.0 judgeships under Public Act 300 of 2011 and elimination of 7.0 judgeships under Public Acts 35 of 2012 and 58, 59, and 60 of 2014. The amount of savings is a result of the effective dates of the retirements of the judges. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	GF/GP	NA	(\$1,528,500)
6. State Appellate Defender Office (SADO) Staff Support	Gross	\$6,646,900	\$0
<u>Executive</u> includes funding to pay for staff who are currently funded with federal grant funding which is set to expire on October 1, 2014. These staff assist the office with meeting the statutory requirement of managing 25% of the state's criminal defense appellate cases for indigents, and supporting the criminal defense bar. The office met 16% in FY 2011-12, 19% in FY 2012-13, and is expected to meet 26% in FY 2013-14. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	IDG	342,900	0
	Federal	408,300	(350,000)
	Private	81,300	0
	Restricted	117,600	0
	GF/GP	\$5,696,800	\$350,000
7. Foreign Language Proficiency	FTE	NA	1.0
<u>Executive</u> includes an additional \$245,000 to support 2.0 FTE positions and the associated costs. These staff will oversee Limited English Proficiency programs at the local trial courts and the testing and certification of interpreters. They will also assist the Foreign Language Board of Review. These positions are necessary to ensure the state's compliance with federal directives that interpreters be provided to individuals with limited English proficiency. <u>House</u> concurs. <u>Senate</u> does not include the funding. <u>Conference</u> includes one FTE position and an additional \$120,000.	Gross	NA	\$120,000
	GF/GP	NA	\$120,000
8. Economic Adjustments	Gross	NA	\$1,647,700
<u>Executive</u> includes funding for justices' and judges' retirement, salary and wage increases (2.0% ongoing increase plus 0.5% lump sum payments), actuarially-required retirement rate increases, rent, building occupancy, and worker's compensation. Insurance costs are held flat due to recent revisions to the state employee health plan. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	IDG	NA	13,900
	Federal	NA	68,500
	Local	NA	108,000
	Private	NA	13,300
	Restricted	NA	38,700
	GF/GP	NA	\$1,405,300
9. Trial Court Performance Innovation Fund	FTE	1.0	0.0
<u>Executive</u> maintains the current year appropriation of \$1.0 million. <u>House</u> concurs. <u>Senate</u> eliminates the funding. <u>Conference</u> reduces funding by \$625,000.	Gross	\$1,000,000	(\$625,000)
	GF/GP	\$1,000,000	(\$625,000)

Major Boilerplate Changes From FY 2013-14

Sec. 205. Input on Foster Care Cases – NEW

Senate adds a new section which expresses that it is the intent of the legislature that judges who preside over hearings on foster care cases shall publicly acknowledge and request input from the foster parent(s) during the hearings. Conference includes the new language.

Sec. 206. Training Program on Foster Care Cases for Court Personnel – NOT INCLUDED

Senate adds a new section which requires SCAO to coordinate a comprehensive training program in conjunction with DHS and the Foster Care Review Board for court personnel on the importance of parent-child visitations in foster care cases; requires SCAO to report on the training programs. Conference does not include the new language.

Sec. 207. Changes to Foster Care Family Service Plans – NEW

Senate adds a new section which requires judges who preside over foster care cases to provide explanations for any changes made to foster care family service plans. Conference includes the new language, but modifies it to express that it is the intent of the legislature that judges provide explanations for changes instead of requiring the judges to do so.

Sec. 209. Juvenile Justice Vision 20/20 – NEW

Senate adds a new section which requires SCAO to allocate \$450,000 to implement a database which tracks statistical and demographic data on adjudicated juveniles for use by DHS, circuit and probate courts, private juvenile justice agencies, and SCAO. Conference includes the new language, but strikes the allocation requirement and modifies the language to express it is the intent of the legislature to implement the database only if funding becomes available.

Sec. 210. Task Force on the Prevention of Sexual Abuse of Children – NOT INCLUDED

Senate adds a new section which requires SCAO to provide \$30,000 for the task force on the prevention of sexual abuse of children, and limits the funding to be used for mileage reimbursements and other travel expenses for task force operations. Conference does not include the new language.

Sec. 211. Linking Swift and Sure Sanctions Program to Michigan Rehabilitative Services – NEW

Senate adds a new section which requires the judicial branch to establish an interagency agreement with DHS and MDOC linking the Swift and Sure Sanctions Program with the Michigan Rehabilitative Services Program. The purpose is to determine eligibility of offenders in the Swift and Sure Sanctions Program for services rendered by the Michigan Rehabilitative Services Program. Conference includes the new language, but modifies it to allow participation in the Swift and Sure Sanctions program by parolees pending enactment of proposed legislation.

Sec. 224. Legacy Costs – NEW

States that the total amount of funding estimated to be expended on legacy costs in FY 2014-15 is \$14.3 million. Of that, \$8.0 million is estimated to be expended on pension-related legacy costs, and \$6.3 million is estimated to be expended on health care-related legacy costs. Executive adds new section. House concurs. Senate concurs. Conference concurs.

Sec. 225. Performance Measures – NEW

House adds a new section which requires the judiciary to report a list of specific benchmarks intended to measure the performance or return on taxpayer investment for each new program for which funds in excess of \$500,000 are appropriated, and to report on the progress of the program and the status of expenditures as measured by the benchmarks. Conference includes the new language.

Sec. 307. Mental Health Diversion Council – NEW

Expresses intent that the appropriation of \$1.7 million for Mental Health and Diversion Services is to be used to address the recommendations of the Mental Health Diversion Council. Executive adds new section. House concurs. Senate concurs but revises specified dollar amount to \$1.1 million based on the appropriation included in the Senate bill. Conference concurs but revises specified dollar amount to \$1.7 million based on the appropriation included in the Conference Report.

Sec. 321. Legal Self-Help Website – MODIFIED

Expresses intent of the legislature that the judicial branch support a statewide legal self-help website and local nonprofit self-help centers that provide assistance to persons representing themselves in civil legal proceedings; requires SCAO to evaluate the effectiveness of the website, and to summarize costs and estimate savings. Executive deletes. House modifies to require SCAO to summarize costs of maintaining the website, provide statistics on the number of people visiting the website, and provide information on content usage, form completion, and user feedback. Senate retains current law. Conference concurs with the House language.