

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	Sec. 102. SUPREME COURT		
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	Sec. 103. COURT OF APPEALS		
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	Sec. 104. BRANCHWIDE APPROPRIATIONS		
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	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
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	Sec. 106. JUDICIAL AGENCIES	
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	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
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	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
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	Sec. 109. TRIAL COURT OPERATIONS	
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	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
22	GOVERNMENT	
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	Sec. 111. ONE-TIME BASIS ONLY		
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

