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JUDICIARY

EXECUTIVE BUDGET BILL

A BILL to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2011, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions	491.0		
GROSS APPROPRIATION.....		\$	258,823,800
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental			
transfers			3,553,500
ADJUSTED GROSS APPROPRIATION.....		\$	255,270,300
Federal revenues:			

1	Total federal revenues.....	5,376,500
2	Special revenue funds:	
3	Total local revenues.....	6,340,400
4	Total private revenues.....	842,500
5	Total other state restricted revenues.....	89,979,800
6	State general fund/general purpose.....	\$ 152,731,100
7	Sec. 102. SUPREME COURT	
8	Full-time equated exempted positions243.0	
9	Supreme court administration--97.0 FTE positions.....	\$ 10,648,900
10	Judicial institute--13.0 FTE positions.....	2,537,700
11	State court administrative office--60.0 FTE positions.	11,048,200
12	Judicial information systems--22.0 FTE positions.....	3,075,500
13	Direct trial court automation support--36.0 FTE	
14	positions	6,340,400
15	Foster care review board--12.0 FTE positions.....	1,258,700
16	Community dispute resolution--3.0 FTE positions.....	2,322,500
17	Other federal grants.....	275,100
18	Drug treatment courts.....	<u>5,103,100</u>
19	GROSS APPROPRIATION	\$ 42,610,100
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG from Michigan state police.....	1,800,000
23	IDG from department of corrections.....	1,030,000
24	IDG from state police - Michigan justice training fund	300,000
25	Federal revenues:	
26	DOJ, victims assistance programs.....	50,000
27	DOJ, drug court training and evaluation.....	300,000
28	DOT, national highway traffic safety administration...	1,300,000
29	HHS, access and visitation grant.....	387,000

1	HHS, children's justice grant.....	206,300
2	HHS, court improvement project.....	1,160,000
3	HHS, title IV-D child support program.....	907,700
4	HHS, title IV-E foster care program.....	540,400
5	Other federal grant revenues.....	275,100
6	Special revenue funds:	
7	Local - user fees.....	6,340,400
8	Private.....	169,000
9	Private - interest on lawyers trust accounts.....	232,700
10	Private - state justice institute.....	370,800
11	Community dispute resolution fund.....	2,322,500
12	Law exam fees.....	536,200
13	Drug court fund.....	1,920,500
14	Miscellaneous revenue.....	227,900
15	Justice system fund.....	700,000
16	State court fund.....	339,000
17	State general fund/general purpose.....	\$ 21,194,600
18	Sec. 103. COURT OF APPEALS	
19	Full-time equated exempted positions190.0	
20	Court of appeals operations--190.0 FTE positions.....	\$ <u>18,515,100</u>
21	GROSS APPROPRIATION.....	\$ 18,515,100
22	Appropriated from:	
23	Special revenue funds:	
24	Court filing/motion fees.....	1,958,500
25	Miscellaneous revenue.....	77,800
26	State general fund/general purpose.....	\$ 16,478,800
27	Sec. 104. BRANCHWIDE APPROPRIATIONS	
28	Full-time equated exempted positions4.0	
29	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,147,200</u>

1	GROSS APPROPRIATION.....	\$	8,147,200
2	Appropriated from:		
3	State general fund/general purpose.....	\$	8,147,200
4	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
5	Full-time judges positions	615.0	
6	Supreme court justices' salaries--7.0 judges.....	\$	1,152,300
7	Court of appeals judges' salaries--28.0 judges.....		4,240,300
8	District court judges' state base salaries--258.0		
9	judges		23,877,200
10	District court judicial salary standardization.....		11,796,800
11	Probate court judges' state base salaries--103.0		
12	judges		9,627,900
13	Probate court judicial salary standardization.....		4,669,700
14	Circuit court judges' state base salaries--219.0		
15	judges		20,675,900
16	Circuit court judicial salary standardization.....		10,036,400
17	Judges' retirement system defined contributions.....		3,837,600
18	OASI, social security.....		<u>5,375,900</u>
19	GROSS APPROPRIATION.....	\$	95,290,000
20	Appropriated from:		
21	Special revenue funds:		
22	Court fee fund.....		7,090,200
23	State general fund/general purpose.....	\$	88,199,800
24	Sec. 106. JUDICIAL AGENCIES		
25	Full-time equated exempted positions	7.0	
26	Judicial tenure commission--7.0 FTE positions.....	\$	<u>974,700</u>
27	GROSS APPROPRIATION.....	\$	974,700
28	Appropriated from:		
29	State general fund/general purpose.....	\$	974,700

1	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
2	Full-time equated exempted positions	47.0
3	Appellate public defender program--39.0 FTE positions.	\$ 5,192,000
4	Appellate assigned counsel administration--8.0 FTE	
5	positions	<u>918,000</u>
6	GROSS APPROPRIATION.....	\$ 6,110,000
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from state police - Michigan justice training fund	423,500
10	Federal revenues:	
11	Other federal grant revenues.....	250,000
12	Special revenue funds:	
13	Private - interest on lawyers trust accounts.....	70,000
14	Miscellaneous revenue.....	113,100
15	State general fund/general purpose.....	\$ 5,253,400
16	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
17	Indigent civil legal assistance.....	<u>\$ 7,937,000</u>
18	GROSS APPROPRIATION.....	\$ 7,937,000
19	Appropriated from:	
20	Special revenue funds:	
21	State court fund.....	7,937,000
22	State general fund/general purpose.....	\$ 0
23	Sec. 109. TRIAL COURT OPERATIONS	
24	Court equity fund reimbursements.....	\$ 64,274,700
25	Judicial technology improvement.....	<u>4,815,000</u>
26	GROSS APPROPRIATION.....	\$ 69,089,700
27	Appropriated from:	
28	Special revenue funds:	
29	Court equity fund.....	51,792,100

1	Judicial technology improvement fund.....		4,815,000
2	State general fund/general purpose.....	\$	12,482,600
3	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
4	Drug case-flow program.....	\$	250,000
5	Drunk driving case-flow program.....		3,300,000
6	Juror compensation reimbursement.....		<u>6,600,000</u>
7	GROSS APPROPRIATION.....	\$	10,150,000
8	Appropriated from:		
9	Special revenue funds:		
10	Drug fund.....		250,000
11	Drunk driving fund.....		3,300,000
12	Juror compensation fund.....		6,600,000
13	State general fund/general purpose.....	\$	0

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15 PART 2

16 PROVISIONS CONCERNING APPROPRIATIONS

17 GENERAL SECTIONS

18 Sec. 201. Pursuant to section 30 of article IX of the state
19 constitution of 1963, total state spending from state resources
20 under part 1 for fiscal year 2010-2011 is \$242,710,900.00 and state
21 spending from state resources to be paid to local units of
22 government for fiscal year 2010-2011 is \$121,582,400. The itemized
23 statement below identifies appropriations from which spending to
24 local units of government will occur:

25 JUDICIARY

26 SUPREME COURT

27	State court administrative office.....	\$	511,900
28	Drug treatment courts.....		4,803,100

29 TRIAL COURT OPERATIONS

1	Court equity fund reimbursements.....	\$	64,274,700
2	Judicial technology improvement fund.....		4,815,000
3	JUSTICES' AND JUDGES' COMPENSATION		
4	District court judicial salary standardization.....	\$	11,796,800
5	Probate court judges' state base salaries.....		9,627,900
6	Probate court judicial salary standardization.....		4,669,700
7	Circuit court judicial salary standardization.....		10,036,400
8	Grant to OASI contribution fund, employers share,		
9	social security		896,900
10	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
11	Drunk driving case-flow program.....	\$	3,300,000
12	Drug case-flow program.....		250,000
13	Juror compensation reimbursement.....		<u>6,600,000</u>
14	TOTAL.....	\$	121,582,400

15 Sec. 202. (1) The appropriations authorized under this bill
16 are subject to the management and budget act, 1984 PA 431, MCL
17 18.1101 to 18.1594.

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

27 Sec. 203. As used in this bill:

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

1 (b) "DOT" means the United States department of
2 transportation.

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

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

6 (e) "IDG" means interdepartmental grant.

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

8 Sec. 208. The reporting requirements of this bill shall be
9 completed with the approval of, and at the direction of, the
10 supreme court. The judicial branch shall use the Internet to
11 fulfill the reporting requirements of this bill. This may include
12 transmission of reports via electronic mail to the recipients
13 identified for each reporting requirement, or it may include
14 placement of reports on an Internet or Intranet site.

15 Sec. 214. Funds appropriated in part 1 shall not be used for
16 the purchase of foreign goods or services, or both, if
17 competitively priced and of comparable quality American goods or
18 services, or both, are available. Preference shall be given to
19 goods or services, or both, manufactured or provided by Michigan
20 businesses, if they are competitively priced and of comparable
21 quality. In addition, preference shall be given to goods or
22 services, or both, that are manufactured or provided by Michigan
23 businesses owned and operated by veterans, if they are
24 competitively priced and of comparable quality.

25 Sec. 215. (1) Due to the current budgetary problems in this
26 state, out-of-state travel shall be limited to situations in which
27 1 or more of the following conditions apply:

28 (a) The travel is required by legal mandate or court order or
29 for law enforcement purposes.

1 (b) The travel is necessary to protect the health or safety of
2 Michigan citizens or visitors or to assist other states in similar
3 circumstances.

4 (c) The travel is necessary to produce budgetary savings or to
5 increase state revenues, including protecting existing federal
6 funds or securing additional federal funds.

7 (d) The travel is necessary to comply with federal
8 requirements.

9 (e) The travel is necessary to secure specialized training for
10 staff that is not available within this state.

11 (f) The travel is financed entirely by federal or nonstate
12 funds.

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

22 (a) The name of each person receiving reimbursement for travel
23 outside this state or whose travel costs were paid by this state.

24 (b) The destination of each travel occurrence.

25 (c) The dates of each travel occurrence.

26 (d) A brief statement of the reason for each travel
27 occurrence.

28 (e) The transportation and related costs of each travel
29 occurrence, including the proportion funded with state general

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

4 (f) A total of all out-of-state travel funded for the
5 immediately preceding fiscal year.

6 **JUDICIAL BRANCH**

7 Sec. 301. (1) Pursuant to appropriation in Part 1, the direct
8 trial court automation support program of the state court
9 administrative office shall recover direct and overhead costs from
10 trial courts by charging for services rendered. The fee shall cover
11 the actual costs incurred to the direct trial court automation
12 support program in providing the service, including development of
13 future versions of case management systems. A report of amounts
14 collected in excess of funds identified as user service charges in
15 part 1 shall be submitted to the state budget director and to the
16 house and senate appropriations subcommittees on judiciary 30 days
17 before expenditure by the direct trial court automation support
18 program.

19 (2) From funds appropriated in part 1, the direct trial court
20 automation support program of the state court administrative office
21 shall provide to the state budget director, the senate and house
22 appropriations committees, and the senate and house fiscal agencies
23 before January 1 of each year a detailed list of user service
24 charges collected during the immediately preceding state fiscal
25 year.

26 Sec. 302. Funds appropriated within the judicial branch shall
27 not be expended by any component within the judicial branch without
28 the approval of the supreme court.

1 Sec. 303. Of the amount appropriated in part 1 for the
2 judicial branch, \$325,000.00 is allocated for circuit court
3 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
4 \$186,900.00 is allocated for court of claims reimbursement under
5 section 6413 of the revised judicature act of 1961, 1961 PA 236,
6 MCL 600.6413.

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

10 Sec. 308. If sufficient funds are not available from the court
11 fee fund to pay judges' compensation, the difference between the
12 appropriated amount from that fund for judges' compensation and the
13 actual amount available after the amount appropriated for trial
14 court reimbursement is made shall be appropriated from the state
15 general fund for judges' compensation.

16 Sec. 310. From the funds appropriated in part 1 for drug
17 treatment court programs, with the approval of and at the
18 discretion of the supreme court, the state court administrative
19 office shall evaluate and collect data on the performance of drug
20 treatment court programs. The state court administrative office
21 shall provide an annual review of the performance of drug courts as
22 prescribed in section 1078(6) of the revised judicature act of
23 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
24 annual review:

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

28 (b) It shall be completed no later than April 1 of each year
29 and shall also be provided to the senate and house appropriations

1 subcommittees on the judiciary, the senate and house fiscal
2 agencies, and the state budget director.

3 (c) The evaluation of a program funded with federal Byrne
4 funds shall be consistent with the requirements contained in the
5 federal Byrne grant for that program.

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

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

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

25 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula
26 grant funding as an interdepartmental grant from the department of
27 Michigan State Police to be used for drug treatment courts, to
28 assist in avoiding prison bed space growth for nonviolent offenders
29 in collaboration with the department of corrections.

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

6 Sec. 318. (1) The funds received by the judiciary from the
7 department of corrections, pursuant to the part 1 appropriation,
8 shall be utilized by the state court administrative office to
9 administer a pilot program to target high-risk offenders through
10 assessment, treatment, and accountability, with the goal of
11 reducing future criminal behavior. All funds shall be spent on
12 fulfilling the requirements of this section and treatment,
13 monitoring, and testing of offenders in the pilot program
14 administered by the state court administrative office.

15 (2) The pilot program shall adhere to the following criteria:

16 (a) A minimum of 3 pilot sites shall be selected by the state
17 court administrative office, at least 1 to be located in a major
18 metropolitan area.

19 (b) The pilot programs shall incorporate the principles and
20 practices of problem-solving courts developed by the national
21 association of drug court professionals, and they shall operate
22 pursuant to a written memorandum of understanding developed by the
23 stakeholders in the jurisdiction.

24 (c) Each pilot court team shall include, at a minimum, a
25 district and circuit judge, prosecutor, defense lawyer, treatment
26 provider, circuit court probation officer, district court probation
27 officer, community corrections representative, community mental
28 health representative, court administration, and community
29 representative.

1 (d) Before being enrolled in the pilot program, each
2 participant shall be administered a comprehensive and valid risk
3 and needs assessment. The assessment shall measure criminogenic and
4 psychosocial factors to determine which participants are at
5 significant risk of/for committing further crimes and are in need
6 of services.

7 (e) The pilot projects shall employ evidence-based practices
8 to develop a treatment plan in response to the assessment results.

9 (f) Each pilot project shall employ a case manager whose
10 duties shall include referral and linkage to community resources,
11 monitoring treatment plan requirements, data reporting, and other
12 responsibilities as assigned.

13 (3) The Michigan judicial institute shall provide appropriate
14 training for all personnel involved in the pilot program.

15 (4) The state court administrative office shall conduct a
16 process and outcome evaluation and a cost-benefit analysis of the
17 pilot programs and shall submit that analysis to the senate and
18 house appropriations subcommittees on the judiciary, the senate and
19 house fiscal agencies, and the state budget director by September
20 30, 2011.

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