

HOUSE BILL No. 4387

EXECUTIVE BUDGET BILL

February 23, 2005, Introduced by Rep. Whitmer and referred to the Committee on Appropriations.

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; 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 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, 2006, 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..... 582.5

GROSS APPROPRIATION..... \$ 257,728,800

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 2,563,500

ADJUSTED GROSS APPROPRIATION..... \$ 255,165,300

Federal revenues:

Total federal revenues..... 3,933,900

Special revenue funds:

Total local revenues..... 3,466,000

Total private revenues..... 842,500

Total other state restricted revenues..... 86,935,000

State general fund/general purpose..... \$ 159,987,900

Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 285.0

Supreme court administration--117.0 FTE positions.... \$ 11,355,900

Judicial institute--19.0 FTE positions..... 2,762,100

State court administrative office--79.0 FTE

positions 10,530,100

Judicial information systems--21.0 FTE positions..... 2,591,500

Direct trial court automation support--33.0 FTE

positions 3,466,000

1	Foster care review board--12.0 FTE positions	1,270,800
2	Community dispute resolution--4.0 FTE positions	2,271,300
3	Other federal grants	275,000
4	Drug treatment courts	<u>4,735,000</u>
5	GROSS APPROPRIATION	\$ 39,257,700
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of career development	40,000
9	IDG from state police - Michigan justice training	
10	fund	300,000
11	IDG from department of community health	1,800,000
12	Federal revenues:	
13	DOJ, victims assistance programs	50,000
14	DOJ, drug court training and evaluation	300,000
15	DOT, national highway traffic safety administration ..	100,000
16	HHS, access and visitation grant	387,000
17	HHS, children's justice grant	206,300
18	HHS, court improvement project	1,160,000
19	HHS, title IV-D child support program	907,700
20	HHS, title IV-E foster care program	547,900
21	Other federal grant revenues	275,000
22	Special revenue funds:	
23	Local - user fees	3,466,000
24	Private revenues	169,000
25	Private - interest on lawyers trust accounts	232,700
26	Private - state justice institute	370,800
27	Community dispute resolution fund	2,271,300

1	Law exam fees.....	482,100
2	Drug court fund.....	1,920,500
3	Miscellaneous revenue.....	227,900
4	Justice system fund.....	700,000
5	State court fund.....	339,000
6	State general fund/general purpose.....	\$ 23,004,500
7	Sec. 103. COURT OF APPEALS	
8	Full-time equated exempted positions.....	228.5
9	Court of appeals operations--228.5 FTE positions.....	\$ <u>19,047,700</u>
10	GROSS APPROPRIATION.....	\$ 19,047,700
11	Appropriated from:	
12	Special revenue funds:	
13	Court filing/motion fees.....	1,721,000
14	Miscellaneous revenue.....	77,800
15	State general fund/general purpose.....	\$ 17,248,900
16	Sec. 104. BRANCHWIDE APPROPRIATIONS	
17	Full-time equated exempted positions.....	4.0
18	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,051,900</u>
19	GROSS APPROPRIATION.....	\$ 8,051,900
20	Appropriated from:	
21	Special revenue funds:	
22	State general fund/general purpose.....	\$ 8,051,900
23	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
24	Full-time judges positions	613.0
25	Supreme court justices' salaries--7.0 judges.....	\$ 1,152,300
26	Court of appeals judges' salaries--28.0 judges.....	4,240,300
27	District court judges' state base salaries--258.0	

1	judges	23,877,200
2	District court judicial salary standardization	11,796,800
3	Probate court judges' state base salaries--103.0	
4	judges	9,108,600
5	Probate court judicial salary standardization	4,389,800
6	Circuit court judges' state base salaries--217.0	
7	judges	20,440,400
8	Circuit court judicial salary standardization	9,922,100
9	Judges' retirement system defined contributions	2,919,200
10	OASI, social security	<u>4,733,900</u>
11	GROSS APPROPRIATION	\$ 92,580,600
12	Appropriated from:	
13	Special revenue funds:	
14	Court fee fund	7,090,200
15	State general fund/general purpose	\$ 85,490,400
16	Sec. 106. JUDICIAL AGENCIES	
17	Full-time equated exempted positions..... 10.0	
18	Judicial tenure commission--10.0 FTE positions	\$ <u>1,072,900</u>
19	GROSS APPROPRIATION	\$ 1,072,900
20	Appropriated from:	
21	Special revenue funds:	
22	State general fund/general purpose	\$ 1,072,900
23	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
24	Full-time equated exempted positions..... 55.0	
25	Appellate public defender program--47.0 FTE positions	\$ 4,872,900
26	Appellate assigned counsel administration--8.0 FTE	
27	positions	<u>887,000</u>

1	GROSS APPROPRIATION.....	\$	5,759,900
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from state police - Michigan justice training		
5	fund		423,500
6	Special revenue funds:		
7	Private - interest on lawyers trust accounts		70,000
8	Miscellaneous revenue		113,100
9	State general fund/general purpose	\$	5,153,300
10	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
11	Indigent civil legal assistance	\$	<u>7,937,000</u>
12	GROSS APPROPRIATION.....	\$	7,937,000
13	Appropriated from:		
14	Special revenue funds:		
15	State court fund.....		7,937,000
16	State general fund/general purpose	\$	0
17	Sec. 109. TRIAL COURT OPERATIONS		
18	Court equity fund reimbursements	\$	70,406,000
19	Judicial technology improvement fund		<u>4,465,000</u>
20	GROSS APPROPRIATION.....	\$	74,871,000
21	Appropriated from:		
22	Special revenue funds:		
23	Court equity fund.....		50,440,000
24	Judicial technology improvement fund		4,465,000
25	State general fund/general purpose	\$	19,966,000
26	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
27	Drug case-flow program.....	\$	250,000

1	Drunk driving case-flow program.....	2,300,000
2	Juror compensation reimbursement.....	6,600,000
3	Transcript fee reimbursement.....	<u>100</u>
4	GROSS APPROPRIATION.....	\$ 9,150,100
5	Appropriated from:	
6	Special revenue funds:	
7	Drug fund.....	250,000
8	Drunk driving fund.....	2,300,000
9	Juror compensation fund.....	6,600,000
10	Transcript fee fund.....	100
11	State general fund/general purpose.....	\$ 0

12 PART 2

13 PROVISIONS CONCERNING APPROPRIATIONS

14 **GENERAL SECTIONS**

15 Sec. 201. Pursuant to section 30 of article IX of the state
 16 constitution of 1963, total state spending from state resources
 17 under part 1 for fiscal year 2005-2006 is \$246,922,900.00 and state
 18 spending from state resources to be paid to local units of
 19 government for fiscal year 2005-2006 is estimated at
 20 \$124,962,500.00. The itemized statement below identifies
 21 appropriations from which spending to units of local government
 22 will occur:

23 JUDICIARY

24 SUPREME COURT

25	State court administrative office.....	\$ 511,900
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1	Drug treatment courts.....		4,435,000
2	TRIAL COURT OPERATIONS		
3	Court equity fund reimbursements.....	\$	70,406,000
4	Judicial technology improvement fund.....		4,465,000
5	JUSTICES' AND JUDGES' COMPENSATION		
6	District court judicial salary standardization.....	\$	11,796,800
7	Probate court judges' state base salaries.....		9,108,600
8	Probate court judicial salary standardization.....		4,389,800
9	Circuit court judicial salary standardization.....		9,922,100
10	Grant to OASI contribution fund, employers share,		
11	social security		777,200
12	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
13	Drunk driving case-flow program.....	\$	2,300,000
14	Drug case-flow program.....		250,000
15	Juror compensation reimbursement.....		6,600,000
16	Transcript fee reimbursement.....		<u>100</u>
17	TOTAL.....	\$	124,962,500

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

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

1 judicial entity agent shall be designated by the chief justice of
2 the supreme court.

3 Sec. 203. As used in this bill:

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

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

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

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

9 (e) "IDG" means interdepartmental grant.

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

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

19 Sec. 215. (1) Due to the current budgetary problems in this
20 state, out-of-state travel for the fiscal year ending September 30,
21 2006 shall be limited to situations in which 1 or more of the
22 following conditions apply:

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

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

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

4 (d) The travel is necessary to comply with federal
5 requirements.

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

8 (f) The travel is financed entirely by federal or nonstate
9 funds.

10 (2) If out-of-state travel is necessary but does not meet 1 or
11 more of the conditions in subsection (1), the chief justice or his
12 or her designee may grant an exception to allow the travel. Any
13 exceptions granted by the chief justice or his or her designee
14 shall be reported on a monthly basis to the senate and house of
15 representatives standing committees on appropriations.

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

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

27 (b) The destination of each travel occurrence.

1 (c) The dates of each travel occurrence.

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

3 (e) The transportation and related costs of each travel
4 occurrence, including the proportion funded with state general
5 fund/general purpose revenues, the proportion funded with state
6 restricted revenues, the proportion funded with federal revenues,
7 and the proportion funded with other revenues.

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

10 Sec. 216. (1) In addition to the funds appropriated in part 1,
11 there is appropriated an amount not to exceed \$500,000.00 for
12 federal contingency funds.

13 (2) In addition to the funds appropriated in part 1, there is
14 appropriated an amount not to exceed \$500,000.00 for state
15 restricted contingency funds.

16 (3) In addition to the funds appropriated in part 1, there is
17 appropriated an amount not to exceed \$100,000.00 for local
18 contingency funds.

19 (4) In addition to the funds appropriated in part 1, there is
20 appropriated an amount not to exceed \$100,000.00 for private
21 contingency funds.

22 (5) A transfer of contingency funds within the judicial branch
23 shall not be made by authorized agent of the judicial entity unless
24 approved by both appropriations committees. If the state budget
25 director does not approve contingency fund transfers adopted by
26 both appropriations committees under this section, the state budget
27 director shall notify the appropriations committees of his or her

1 action within 15 days.

2 **JUDICIAL BRANCH**

3 Sec. 301. (1) The direct trial court automation support program
4 of the state court administrative office shall recover direct and
5 overhead costs from trial courts by charging for services rendered.
6 The fee shall cover the actual costs incurred to the direct trial
7 court automation support program in providing the service. A
8 report of amounts collected in excess of funds identified as user
9 service charges in part 1 shall be submitted to the state budget
10 director and to the house and senate appropriations subcommittees
11 on judiciary 30 days before expenditure by the direct trial court
12 automation support program.

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

20 Sec. 302. Funds appropriated within the judicial branch shall
21 not be expended by any component within the judicial branch without
22 the approval of the supreme court.

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

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

4 Sec. 307. From the funds appropriated in part 1 for court of
5 appeals operations, for the purpose of delay reductions, the
6 judiciary shall use \$225,000.00 of additional filing fee revenue
7 raised from the increase from \$250.00 to \$375.00 in court of
8 appeals filing fees under section 321(1)(a) of the revised
9 judicature act of 1961, 1961 PA 236, MCL 600.321.

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, under the direction of the supreme court,
18 the state court administrative office shall contract with 1 or more
19 independent third parties for evaluation and monitoring of drug
20 court programs funded by the judiciary. The evaluation shall
21 include measures of the impact of drug court programs in changing
22 offender criminal involvement (recidivism) and substance abuse and
23 in reducing prison admissions. The evaluation of a program funded
24 with federal Byrne funds shall be consistent with any requirements
25 contained in the federal Byrne grant for that program. Evaluations
26 required by this section shall to the extent feasible compare
27 offenders treated under the programs with other offenders of

1 similar characteristics. Not later than April 1, 2006, the state
2 court administrative office shall provide a progress report
3 regarding the status and findings of the evaluation to the senate
4 and house appropriations subcommittees on the judiciary, the senate
5 and house fiscal agencies, and the state budget director.

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 program shall not receive funds for more than
10 5 years. A drug treatment court shall be responsible for handling
11 cases involving substance abusing nonviolent offenders through
12 comprehensive supervision, testing, treatment services, and
13 immediate sanctions and incentives. A drug treatment court shall
14 use all available county and state personnel involved in the
15 disposition of cases including, but not limited to, parole and
16 probation agents, prosecuting attorneys, defense attorneys, and
17 community corrections providers. The funds may be used in
18 connection with other federal, state, and local funding sources.

19 (2) Local units of government are encouraged to refer to federal
20 drug treatment court guidelines to prepare proposals. However,
21 federal agency approvals are not required for funding under this
22 section.

23 (3) From the funds appropriated in part 1, the chief justice
24 shall allocate sufficient funds for the judicial institute to
25 provide in-state training for those identified in subsection (1),
26 including training for new drug treatment court judges.

27 (4) For drug treatment court grants, consideration for priority

1 may be given to those courts where higher instances of substance
2 abuse cases are filed.

3 (5) The judiciary shall receive \$1,800,000.00 in Byrne formula
4 grant funding as an interdepartmental grant from the department of
5 community health to be used for expansion of drug treatment courts,
6 to assist in avoiding prison bed space growth for nonviolent
7 offenders in collaboration with the department of corrections.

8 Sec. 312. From the funds appropriated in part 1, the state
9 court administrator shall produce a statistical report regarding
10 the implementation of the parental rights restoration act, 1990 PA
11 211, MCL 722.901 to 722.908, as it pertains to minors seeking a
12 court-issued waiver of parental consent. The state court
13 administrative office shall report the total number of petitions
14 filed and the total number of petitions granted in accordance with
15 section 208.