

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 233

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; 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:

1

PART 1

2

LINE-ITEM APPROPRIATIONS

3

Sec. 101. Subject to the conditions set forth in this act, the

4

amounts listed in this part are appropriated for the judicial

branch for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

#### JUDICIARY

##### APPROPRIATIONS SUMMARY:

Full-time equated exempted positions..... 0.0

GROSS APPROPRIATION..... \$ 0

##### Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers ..... 0

ADJUSTED GROSS APPROPRIATION..... \$ 0

##### Federal revenues:

Total federal revenues..... 0

##### Special revenue funds:

Total local revenues..... 0

Total private revenues..... 0

Total other state restricted revenues..... 0

State general fund/general purpose..... \$ 0

#### Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 0.0

Supreme court administration--0.0 FTE positions..... \$ 0

Judicial institute--0.0 FTE positions..... 0

State court administrative office--0.0 FTE positions. 0

Judicial information systems--0.0 FTE positions..... 0

Direct trial court automation support--0.0 FTE positions 0

Foster care review board--0.0 FTE positions..... 0

Community dispute resolution--0.0 FTE positions..... 0

|    |  |   |
|----|--|---|
| 1  | Other federal grants.....                                    | 0 |
| 2  | Drug treatment courts.....                                   | 0 |
| 3  | Mental health treatment courts.....                          | 0 |
| 4  | GROSS APPROPRIATION..... \$                                  | 0 |
| 5  | Appropriated from:   |   |
| 6  | Interdepartmental grant revenues:                            |   |
| 7  | IDG from department of community health.....                 | 0 |
| 8  | IDG from department of corrections - drug courts.....        | 0 |
| 9  | IDG from department of corrections - mental health treatment |   |
| 10 | courts.....  | 0 |
| 11 | IDG from state police - Michigan justice training fund       | 0 |
| 12 | Federal revenues:  |   |
| 13 | DOJ, victims' assistance programs.....                       | 0 |
| 14 | DOJ, drug court training and evaluation.....                 | 0 |
| 15 | DOT, national highway traffic safety administration..        | 0 |
| 16 | HHS, access and visitation grant.....                        | 0 |
| 17 | HHS, children's justice grant.....                           | 0 |
| 18 | HHS, court improvement project.....                          | 0 |
| 19 | HHS, title IV-D child support program.....                   | 0 |
| 20 | HHS, title IV-E foster care program.....                     | 0 |
| 21 | Other federal grant revenues.....                            | 0 |
| 22 | Special revenue funds:                                       |   |
| 23 | Local - user fees.....                                       | 0 |
| 24 | Private.....   | 0 |
| 25 | Private - interest on lawyers trust accounts.....            | 0 |
| 26 | Private - state justice institute.....                       | 0 |
| 27 | Community dispute resolution fund.....                       | 0 |

|    |   |      |
|----|---|------|
| 1  | Law exam fees.....                                  | 0    |
| 2  | Drug court fund.....                                | 0    |
| 3  | Miscellaneous revenue.....                          | 0    |
| 4  | Justice system fund.....                            | 0    |
| 5  | State court fund.....                               | 0    |
| 6  | State general fund/general purpose.....             | \$ 0 |
| 7  | <b>Sec. 103. COURT OF APPEALS</b>                   |      |
| 8  | Full-time equated exempted positions.....           | 0.0  |
| 9  | Court of appeals operations--0.0 FTE positions..... | \$ 0 |
| 10 | GROSS APPROPRIATION.....                            | \$ 0 |
| 11 | Appropriated from:                                  |      |
| 12 | Special revenue funds:                              |      |
| 13 | Court filing/motion fees.....                       | 0    |
| 14 | Miscellaneous revenue.....                          | 0    |
| 15 | State general fund/general purpose.....             | \$ 0 |
| 16 | <b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>          |      |
| 17 | Full-time equated exempted positions.....           | 0.0  |
| 18 | Branchwide appropriations--0.0 FTE positions.....   | \$ 0 |
| 19 | GROSS APPROPRIATION.....                            | \$ 0 |
| 20 | Appropriated from:                                  |      |
| 21 | State general fund/general purpose.....             | \$ 0 |
| 22 | <b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b> |      |
| 23 | Full-time judges positions.....                     | 0.0  |
| 24 | Supreme court justices' salaries--0.0 judges.....   | \$ 0 |
| 25 | Court of appeals judges' salaries--0.0 judges.....  | 0    |
| 26 | District court judges' state base salaries--0.0     |      |
| 27 | judges .....  | 0    |

|    |  |     |   |
|----|--|-----|---|
| 1  | District court judicial salary standardization.....    |     | 0 |
| 2  | Probate court judges' state base salaries--0.0         |     |   |
| 3  | judges .....   |     | 0 |
| 4  | Probate court judicial salary standardization.....     |     | 0 |
| 5  | Circuit court judges' state base salaries--0.0         |     |   |
| 6  | judges .....   |     | 0 |
| 7  | Circuit court judicial salary standardization.....     |     | 0 |
| 8  | Judges' retirement system defined contributions .....  |     | 0 |
| 9  | OASI, social security.....                             |     | 0 |
| 10 | GROSS APPROPRIATION.....                               | \$  | 0 |
| 11 | Appropriated from:                                     |     |   |
| 12 | Special revenue funds:                                 |     |   |
| 13 | Court fee fund.....                                    |     | 0 |
| 14 | State general fund/general purpose .....               | \$  | 0 |
| 15 | <b>Sec. 106. JUDICIAL AGENCIES</b>                     |     |   |
| 16 | Full-time equated exempted positions.....              | 0.0 |   |
| 17 | Judicial tenure commission--0.0 FTE positions .....    | \$  | 0 |
| 18 | GROSS APPROPRIATION.....                               | \$  | 0 |
| 19 | Appropriated from:                                     |     |   |
| 20 | State general fund/general purpose .....               | \$  | 0 |
| 21 | <b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>           |     |   |
| 22 | Full-time equated exempted positions.....              | 0.0 |   |
| 23 | Appellate public defender program--0.0 FTE positions . | \$  | 0 |
| 24 | Appellate assigned counsel administration--0.0 FTE     |     |   |
| 25 | positions .....  |     | 0 |
| 26 | GROSS APPROPRIATION.....                               | \$  | 0 |
| 27 | Appropriated from:                                     |     |   |

|    |  |    |   |
|----|--|----|---|
| 1  | Interdepartmental grant revenues:                      |    |   |
| 2  | IDG from state police - Michigan justice training fund |    | 0 |
| 3  | Special revenue funds:                                 |    |   |
| 4  | Private - interest on lawyers trust accounts .....     |    | 0 |
| 5  | Miscellaneous revenue .....                            |    | 0 |
| 6  | State general fund/general purpose .....               | \$ | 0 |
| 7  | <b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>       |    |   |
| 8  | Indigent civil legal assistance .....                  | \$ | 0 |
| 9  | GROSS APPROPRIATION .....                              | \$ | 0 |
| 10 | Appropriated from:                                     |    |   |
| 11 | Special revenue funds:                                 |    |   |
| 12 | State court fund .....                                 |    | 0 |
| 13 | State general fund/general purpose .....               | \$ | 0 |
| 14 | <b>Sec. 109. TRIAL COURT OPERATIONS</b>                |    |   |
| 15 | Court equity fund reimbursements .....                 | \$ | 0 |
| 16 | Judicial technology improvement .....                  |    | 0 |
| 17 | GROSS APPROPRIATION .....                              | \$ | 0 |
| 18 | Appropriated from:                                     |    |   |
| 19 | Special revenue funds:                                 |    |   |
| 20 | Court equity fund .....                                |    | 0 |
| 21 | Judicial technology improvement fund .....             |    | 0 |
| 22 | State general fund/general purpose .....               | \$ | 0 |
| 23 | <b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>    |    |   |
| 24 | <b>GOVERNMENT</b>                                      |    |   |
| 25 | Drug case-flow program .....                           | \$ | 0 |
| 26 | Drunk driving case-flow program .....                  |    | 0 |
| 27 | Juror compensation reimbursement .....                 |    | 0 |

|   |   |    |   |
|---|---|----|---|
| 1 | Transcript fee reimbursement.....       |    | 0 |
| 2 | GROSS APPROPRIATION.....                | \$ | 0 |
| 3 | Appropriated from:                      |    |   |
| 4 | Special revenue funds:                  |    |   |
| 5 | Drug fund.....                          |    | 0 |
| 6 | Drunk driving fund.....                 |    | 0 |
| 7 | Juror compensation fund.....            |    | 0 |
| 8 | Transcript fee fund.....                |    | 0 |
| 9 | State general fund/general purpose..... | \$ | 0 |

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2007-2008 is \$0.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is estimated at \$0.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

## JUDICIARY

## SUPREME COURT

|  |    |   |
|--|----|---|
| State court administrative office..... | \$ | 0 |
|--|----|---|

|                            |  |   |
|----------------------------|--|---|
| Drug treatment courts..... |  | 0 |
|----------------------------|--|---|

## TRIAL COURT OPERATIONS

|                                       |    |   |
|---------------------------------------|----|---|
| Court equity fund reimbursements..... | \$ | 0 |
|---------------------------------------|----|---|

|    |  |   |
|----|--|---|
| 1  | Judicial technology improvement fund.....              | 0 |
| 2  | JUSTICES' AND JUDGES' COMPENSATION                     |   |
| 3  | District court judicial salary standardization..... \$ | 0 |
| 4  | Probate court judges' state base salaries.....         | 0 |
| 5  | Probate court judicial salary standardization.....     | 0 |
| 6  | Circuit court judicial salary standardization.....     | 0 |
| 7  | Grant to OASI contribution fund, employers share,      |   |
| 8  | social security .....                                  | 0 |
| 9  | GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT          |   |
| 10 | Drunk driving case-flow program..... \$                | 0 |
| 11 | Drug case-flow program.....                            | 0 |
| 12 | Juror compensation reimbursement.....                  | 0 |
| 13 | Transcript fee reimbursement.....                      | 0 |
| 14 | TOTAL..... \$  | 0 |

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

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

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

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

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

7 (e) "IDG" means interdepartmental grant.

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

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

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

20 Sec. 212. As a condition of expending appropriations made  
21 under part 1, the judicial branch shall receive and retain copies  
22 of all reports funded from appropriations in part 1 and shall  
23 follow federal and state guidelines for short-term and long-term  
24 retention of such reports and records.

25 Sec. 214. Funds appropriated in part 1 shall not be used for  
26 the purchase of foreign goods or services, or both, if  
27 competitively priced and of comparable quality American goods or

1 services, or both, are available. Preference should be given to  
2 goods or services, or both, manufactured or provided by Michigan  
3 businesses, if they are competitively priced and of comparable  
4 quality. In addition, preference should be given to goods or  
5 services, or both, that are manufactured or provided by Michigan  
6 businesses owned and operated by veterans, if they are  
7 competitively priced and of comparable quality.

8       Sec. 215. (1) Due to the current budgetary problems in this  
9 state, out-of-state travel for the fiscal year ending September 30,  
10 2008 shall be limited to situations in which 1 or more of the  
11 following conditions apply:

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

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

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

20       (d) The travel is necessary to comply with federal  
21 requirements.

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

24       (f) The travel is financed entirely by federal or nonstate  
25 funds.

26       (2) If out-of-state travel is necessary but does not meet 1 or  
27 more of the conditions in subsection (1), the chief justice or his

Senate Bill No. 233 (H-6) as amended September 6, 2007 (1 of 2)  
1 or her designee may grant an exception to allow the travel. Any  
2 exceptions granted by the chief justice or his or her designee  
3 shall be reported on a monthly basis to the house and senate  
4 appropriations committees.

5 (3) Not later than January 1 of each year, the state court  
6 administrative office shall prepare a travel report listing all  
7 travel by judicial branch employees outside this state in the  
8 immediately preceding fiscal year that was funded in whole or in  
9 part with funds appropriated in the budget for the judicial branch.  
10 The report shall be submitted to the chairs and members of the  
11 house and senate appropriations committees, the fiscal agencies,  
12 and the state budget director. The report shall include the  
13 following information:

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

16 (b) The destination of each travel occurrence.

17 (c) The dates of each travel occurrence.

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

20 (e) The transportation and related costs of each travel  
21 occurrence, including the proportion funded with state general  
22 fund/general purpose revenues, the proportion funded with state  
23 restricted revenues, the proportion funded with federal revenues,  
24 and the proportion funded with other revenues.

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

[Sec. 216. From the funds appropriated in part 1, the chief justice shall implement continuous improvement efficiency mechanisms in the programs administered by the judicial branch. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2008 and September 30, 2008, the chief justice shall submit a report to the state budget director, the senate and house appropriation subcommittees, and the senate and house fiscal agencies on the progress

Senate Bill No. 233 (H-6) as amended September 6, 2007 (2 of 2)  
made toward increased efficiencies in judicial branch programs. At a  
minimum, each report shall include information on the program review  
process, the type of improvement mechanisms implemented, and actual and  
projected expenditure savings as a result of the increased program  
efficiencies.]

1     **JUDICIAL BRANCH**

2           Sec. 301. (1) The direct trial court automation support  
3 program of the state court administrative office shall recover  
4 direct and overhead costs from trial courts by charging for  
5 services rendered. The fee shall cover the actual costs incurred to  
6 the direct trial court automation support program in providing the  
7 service, including development of future versions of case  
8 management systems. A report of amounts collected in excess of  
9 funds identified as user service charges in part 1 shall be  
10 submitted to the state budget director and to the house and senate  
11 appropriations subcommittees on judiciary 30 days before  
12 expenditure by the direct trial court 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  
24 judicial branch, \$325,100.00 is allocated for circuit court  
25 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
26 \$186,800.00 is allocated for court of claims reimbursement under  
27 section 6413 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.6413.

2       Sec. 304. As a condition of expending appropriations made  
3 under part 1, the judicial branch shall cooperate with the auditor  
4 general regarding audits of the judicial branch conducted under  
5 section 53 of article IV of the state constitution of 1963.

6       Sec. 305. As a condition of expending appropriations made  
7 under part 1, and to avoid the overexpenditure of funds  
8 appropriated under this act, the supreme court shall report  
9 quarterly to members of the senate and house appropriations  
10 subcommittees on the judiciary, the senate and house fiscal  
11 agencies, and the state budget director on the status of accounts  
12 set forth in part 1. The report required by this section shall  
13 include quarterly, year-to-date, and projected expenditures by  
14 funding source for each line item, and beginning balances and  
15 quarterly, year-to-date, and projected revenues for each source of  
16 revenue other than general fund/general purpose revenues.

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

20       Sec. 306a. By April 1, the state court administrative office  
21 shall submit a report regarding the feasibility of a pilot project  
22 for third-party collection of court-ordered fines, fees, and costs,  
23 including collection of victim restitution. The report shall be  
24 submitted to the senate and house appropriations subcommittees on  
25 judiciary, the senate and house fiscal agencies, and the state  
26 budget director.

27       Sec. 307. It is the intent of the legislature that from the

1 funds appropriated in part 1 for court of appeals operations, the  
2 judiciary shall use the following revenue amounts for the purpose  
3 of delay reduction:

4 (a) \$225,000.00 of additional filing fee revenue raised from  
5 the increase from \$250.00 to \$375.00 in court of appeals filing  
6 fees under section 321(1)(a) of the revised judicature act of 1961,  
7 1961 PA 236, MCL 600.321.

8 (b) \$87,500.00 of additional fee revenue raised from the  
9 increase in court of appeals motion fees from \$75.00 to \$100.00 and  
10 from the increase from \$150.00 to \$200.00 in fees for motions for  
11 immediate consideration or expedited appeal under section 321(1)(b)  
12 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL  
13 600.321.

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

20 Sec. 310. From the funds appropriated in part 1 for drug  
21 treatment court programs, with the approval of and at the  
22 discretion of the supreme court, the state court administrative  
23 office shall evaluate and collect data on the performance of drug  
24 treatment court programs. The state court administrative office  
25 shall provide an annual review of the performance of drug courts as  
26 prescribed in section 1078(6) of the revised judicature act of  
27 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that

1 annual review:

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

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

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

12 Sec. 311. (1) The funds appropriated in part 1 for drug  
13 treatment courts shall be administered by the state court  
14 administrative office to operate drug treatment court programs.

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

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

24 (4) Funds appropriated in part 1 for drug treatment courts  
25 include \$1,300,000.00 appropriated as an interdepartmental grant  
26 from the department of corrections, which is to be spent as  
27 provided in section 413 of House Bill No. 4348 of the 94th

1 Legislature.

2       Sec. 314. By April 1, the state court administrative office  
3 shall submit a report regarding the impact of Halbert v Michigan,  
4 125 S Ct 2582 (2005), and related cases on the court system to the  
5 senate and house appropriations subcommittees on judiciary, the  
6 senate and house fiscal agencies, and the state budget director.

7       Sec. 316. (1) The funds appropriated in part 1 for mental  
8 health treatment courts that are remaining after the allocations  
9 permitted under subsection (2) shall only be used to fund a mental  
10 health treatment court pilot program for cases involving mentally  
11 ill nonviolent offenders.

12       (2) Funds appropriated in part 1 for mental health treatment  
13 courts include \$784,000.00 appropriated as an interdepartmental  
14 grant from the department of corrections, which is to be spent as  
15 provided in section 414 of House Bill No. 4348 of the 94th  
16 Legislature.

17       Sec. 317. From the funds appropriated in part 1 for transcript  
18 fee reimbursement, the judiciary shall reimburse counties for  
19 additional costs incurred in the event of a statutory increase in  
20 transcript fees under section 2543 of the revised judicature act of  
21 1961, 1961 PA 236, MCL 600.2543.

22       Sec. 318. Funds appropriated in part 1 shall not be used for  
23 the permanent assignment of state-owned vehicles to justices or  
24 judges or any other judicial branch employee. This section does not  
25 preclude the use of state-owned motor pool vehicles for state  
26 business in accordance with approved guidelines.

27       Sec. 319. Of the funds appropriated in part 1 for the court of

1 appeals line item, it is the intent of the legislature that funding  
2 be allocated to fully fund the contract lawyer program. To reflect  
3 this legislative intent, funds appropriated in part 1 for the court  
4 of appeals line item include an increase of \$250,000.00 which  
5 represents full funding of the program for fiscal year 2007-2008.