

**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

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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**

## APPROPRIATION SUMMARY:

Full-time equated exempted positions..... 519.0

GROSS APPROPRIATION..... \$ <<260,660,100>>

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 2,523,500

ADJUSTED GROSS APPROPRIATION..... \$ <<258,136,600>>

Federal revenues:

Total federal revenues..... 4,626,400

Special revenue funds:

Total local revenues..... 5,409,700

Total private revenues..... 842,500

Total other state restricted revenues..... 87,892,700

State general fund/general purpose..... \$ <<159,365,300>>

**Sec. 102. SUPREME COURT**

Full-time equated exempted positions..... 245.0

Supreme court administration--97.0 FTE positions..... \$ <<11,127,600>>

Judicial institute--16.0 FTE positions..... 2,705,100

State court administrative office--62.0 FTE positions <<10,388,100>>

Judicial information systems--18.0 FTE positions..... 3,224,000

Direct trial court automation support--36.0 FTE

positions ..... 5,409,700

Foster care review board--12.0 FTE positions ..... 1,280,500

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1	Community dispute resolution--4.0 FTE positions .....	2,291,600
2	Other federal grants .....	275,000
3	Drug treatment courts .....	4,719,100
4	Mental health treatment courts .....	<u>&lt;&lt;100&gt;&gt;</u>
5	GROSS APPROPRIATION .....	\$ <<41,420,800>>
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of community health .....	1,800,000
9	IDG from state police - Michigan justice training fund	300,000
10	Federal revenues:	
11	DOJ, victims assistance programs .....	50,000
12	DOJ, drug court training and evaluation .....	300,000
13	DOT, national highway traffic safety administration ..	800,000
14	HHS, access and visitation grant .....	387,000
15	HHS, children's justice grant .....	206,300
16	HHS, court improvement project .....	1,160,000
17	HHS, title IV-D child support program .....	907,700
18	HHS, title IV-E foster care program .....	540,400
19	Other federal grant revenues .....	275,000
20	Special revenue funds:	
21	Local - user fees .....	5,409,700
22	Private .....	169,000
23	Private - interest on lawyers trust accounts .....	232,700
24	Private - state justice institute .....	370,800
25	Community dispute resolution fund .....	2,291,600
26	Law exam fees .....	482,100
27	Drug court fund .....	1,920,500

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1	Miscellaneous revenue.....	227,900
2	Justice system fund.....	700,000
3	State court fund.....	339,000
4	State general fund/general purpose.....	\$ <<22,551,100>>
5	<b>Sec. 103. COURT OF APPEALS</b>	
6	Full-time equated exempted positions.....	212.0
7	Court of appeals operations--212.0 FTE positions.....	\$ <<19,480,700>>
8	GROSS APPROPRIATION.....	\$ <<19,480,700>>
9	Appropriated from:	
10	Special revenue funds:	
11	Court filing/motion fees.....	1,958,500
12	Miscellaneous revenue.....	77,800
13	State general fund/general purpose.....	\$ <<17,444,400>>
14	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
15	Full-time equated exempted positions.....	4.0
16	Branchwide appropriations--4.0 FTE positions.....	\$ <u>7,767,300</u>
17	GROSS APPROPRIATION.....	\$ 7,767,300
18	Appropriated from:	
19	State general fund/general purpose.....	\$ 7,767,300
20	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>	
21	Full-time judges positions .....	621.0
22	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
23	Court of appeals judges' salaries--28.0 judges.....	4,240,300
24	District court judges' state base salaries--258.0	
25	judges .....	23,877,200
26	District court judicial salary standardization.....	11,796,800
27	Probate court judges' state base salaries--103.0	

1	judges .....	9,627,900
2	Probate court judicial salary standardization .....	4,669,700
3	Circuit court judges' state base salaries--225.0	
4	judges .....	20,817,200
5	Circuit court judicial salary standardization .....	10,105,000
6	Judges' retirement system defined contributions .....	3,359,300
7	OASI, social security .....	<u>5,105,600</u>
8	GROSS APPROPRIATION .....	\$ 94,751,300
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund .....	7,090,200
12	State general fund/general purpose .....	\$ 87,661,100
13	<b>Sec. 106. JUDICIAL AGENCIES</b>	
14	Full-time equated exempted positions .....	8.0
15	Judicial tenure commission--8.0 FTE positions .....	\$ <u>1,003,800</u>
16	GROSS APPROPRIATION .....	\$ 1,003,800
17	Appropriated from:	
18	State general fund/general purpose .....	\$ 1,003,800
19	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
20	Full-time equated exempted positions .....	50.0
21	Appellate public defender program--42.0 FTE positions	\$ 4,854,700
22	Appellate assigned counsel administration--8.0 FTE	
23	positions .....	<u>889,000</u>
24	GROSS APPROPRIATION .....	\$ 5,743,700
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	423,500

1	Special revenue funds:		
2	Private - interest on lawyers trust accounts .....		70,000
3	Miscellaneous revenue .....		113,100
4	State general fund/general purpose .....	\$	5,137,100
5	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>		
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	<b>Sec. 109. TRIAL COURT OPERATIONS</b>		
13	Court equity fund reimbursements .....	\$	68,240,500
14	Judicial technology improvement fund .....		<u>4,465,000</u>
15	GROSS APPROPRIATION .....	\$	72,705,500
16	Appropriated from:		
17	Special revenue funds:		
18	Court equity fund .....		50,440,000
19	Judicial technology improvement fund .....		4,465,000
20	State general fund/general purpose .....	\$	17,800,500
21	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>		
22	<b>GOVERNMENT</b>		
23	Drug case-flow program .....	\$	250,000
24	Drunk driving case-flow program .....		3,000,000
25	Juror compensation reimbursement .....		<u>6,600,000</u>
26	GROSS APPROPRIATION .....	\$	9,850,000
27	Appropriated from:		

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## 1 Special revenue funds:

2	Drug fund.....	250,000
3	Drunk driving fund.....	3,000,000
4	Juror compensation fund.....	6,600,000
5	State general fund/general purpose.....	\$ 0

## 6 PART 2

## 7 PROVISIONS CONCERNING APPROPRIATIONS

8 GENERAL SECTIONS

9 Sec. 201. Pursuant to section 30 of article IX of the state  
 10 constitution of 1963, total state spending from state resources  
 11 under part 1 for fiscal year 2007-2008 is <<\$247,258,000.00>> and state  
 12 spending from state resources to be paid to local units of  
 13 government for fiscal year 2007-2008 is estimated at  
 14 \$124,535,300.00. The itemized statement below identifies  
 15 appropriations from which spending to local units of government  
 16 will occur:

## 17 JUDICIARY

## 18 SUPREME COURT

19	State court administrative office.....	\$ 511,900
20	Drug treatment courts.....	4,419,100

## 21 TRIAL COURT OPERATIONS

22	Court equity fund reimbursements.....	\$ 68,240,500
23	Judicial technology improvement fund.....	4,465,000

## 24 JUSTICES' AND JUDGES' COMPENSATION

25	District court judicial salary standardization.....	\$ 11,796,800
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1	Probate court judges' state base salaries .....	9,627,900
2	Probate court judicial salary standardization .....	4,669,700
3	Circuit court judicial salary standardization .....	10,105,000
4	Grant to OASI contribution fund, employers share,	
5	social security .....	849,400
6	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
7	Drunk driving case-flow program .....	\$ 3,000,000
8	Drug case-flow program .....	250,000
9	Juror compensation reimbursement .....	<u>6,600,000</u>
10	TOTAL .....	\$ 124,535,300

11       Sec. 202. (1) The appropriations authorized under this act are  
 12 subject to the management and budget act, 1984 PA 431, MCL 18.1101  
 13 to 18.1594.

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

23       Sec. 203. As used in this act:

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

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

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

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

3 (e) "IDG" means interdepartmental grant.

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

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

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

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

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

1       Sec. 215. (1) Due to the current budgetary problems in this  
2 state, out-of-state travel for the fiscal year ending September 30,  
3 2008 shall be limited to situations in which 1 or more of the  
4 following conditions apply:

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

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

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

13       (d) The travel is necessary to comply with federal  
14 requirements.

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

17       (f) The travel is financed entirely by federal or nonstate  
18 funds.

19       (2) If out-of-state travel is necessary but does not meet 1 or  
20 more of the conditions in subsection (1), the chief justice or his  
21 or her designee may grant an exception to allow the travel. Any  
22 exceptions granted by the chief justice or his or her designee  
23 shall be reported on a monthly basis to the house and senate  
24 appropriations committees.

25       (3) Not later than January 1 of each year, the state court  
26 administrative office shall prepare a travel report listing all  
27 travel by judicial branch employees outside this state in the

1 immediately preceding fiscal year that was funded in whole or in  
2 part with funds appropriated in the budget for the judicial branch.  
3 The report shall be submitted to the chairs and members of the  
4 house and senate appropriations committees, the fiscal agencies,  
5 and the state budget director. The report shall include the  
6 following information:

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

9 (b) The destination of each travel occurrence.

10 (c) The dates of each travel occurrence.

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

13 (e) The transportation and related costs of each travel  
14 occurrence, including the proportion funded with state general  
15 fund/general purpose revenues, the proportion funded with state  
16 restricted revenues, the proportion funded with federal revenues,  
17 and the proportion funded with other revenues.

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

20 Sec. 216. (1) The judicial branch shall report no later than  
21 April 1, 2008 on each specific policy change made to implement  
22 enacted legislation to the senate and house appropriations  
23 subcommittees on the judicial branch budget, the senate and house  
24 standing committees on the judicial branch budget, the chairperson  
25 of the joint committee on administrative rules, and the senate and  
26 house fiscal agencies and policy offices.

27 (2) Funds appropriated in part 1 shall not be used to prepare

1 regulatory plans or promulgate rules that fail to reduce the  
2 disproportionate economic impact on small businesses pursuant to  
3 section 40 of the administrative procedures act of 1969, 1969 PA  
4 306, MCL 24.240.

5 **JUDICIAL BRANCH**

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

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

24 Sec. 302. Funds appropriated within the judicial branch shall  
25 not be expended by any component within the judicial branch without  
26 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. 304. As a condition of expending appropriations made  
8       under part 1, the judicial branch shall cooperate with the auditor  
9       general regarding audits of the judicial branch conducted under  
10      section 53 of article IV of the state constitution of 1963.

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

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. 306a. By April 1, the state court administrative office  
26      shall submit a report regarding the feasibility of a pilot project  
27      for third-party collection of victim restitution to the senate and

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

3 Sec. 307. It is the intent of the legislature that from the  
4 funds appropriated in part 1 for court of appeals operations, the  
5 judiciary shall use the following revenue amounts for the purpose  
6 of delay reduction:

7 (a) \$225,000.00 of additional filing fee revenue raised from  
8 the increase from \$250.00 to \$375.00 in court of appeals filing  
9 fees under section 321(1)(a) of the revised judicature act of 1961,  
10 1961 PA 236, MCL 600.321.

11 (b) \$87,500.00 of additional fee revenue raised from the  
12 increase in court of appeals motion fees from \$75.00 to \$100.00 and  
13 from the increase from \$150.00 to \$200.00 in fees for motions for  
14 immediate consideration or expedited appeal under section 321(1)(b)  
15 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL  
16 600.321.

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

23 Sec. 310. From the funds appropriated in part 1 for drug  
24 treatment court programs, with the approval of and at the  
25 discretion of the supreme court, the state court administrative  
26 office shall evaluate and collect data on the performance of drug  
27 treatment court programs. The state court administrative office

1 shall provide an annual review of the performance of drug courts as  
2 prescribed in section 1078(6) of the revised judicature act of  
3 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that  
4 annual review:

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

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

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

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

27 (2) Local units of government are encouraged to refer to

1 federal drug treatment court guidelines to prepare proposals.  
2 However, federal agency approvals are not required for funding  
3 under this section.

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

8 (4) For drug treatment court grants, consideration for  
9 priority may be given to those courts where higher instances of  
10 substance abuse cases are filed.

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

16 Sec. 312. From the funds appropriated in part 1, the state  
17 court administrator shall produce a statistical report regarding  
18 the implementation of the parental rights restoration act, 1990 PA  
19 211, MCL 722.901 to 722.908, as it pertains to minors seeking a  
20 court-issued waiver of parental consent. The state court  
21 administrative office shall report the total number of petitions  
22 filed and the total number of petitions granted in accordance with  
23 section 208.

24 Sec. 314. By April 1, the state court administrative office  
25 shall submit a report regarding the impact of Halbert v Michigan,  
26 125 S Ct 2582 (2005), and related cases on the court system to the  
27 senate and house appropriations subcommittees on judiciary, the

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1 senate and house fiscal agencies, and the state budget director.

2 <<Sec. 316. The state court administrative office shall evaluate  
3 various strategies for court systems to use to better respond to  
4 defendants with mental illnesses. Such strategies may include, but not be  
5 limited to, mental health treatment courts, dedicated probation caseloads  
for people with mental illnesses, specialized pretrial release programs,  
and court-based diversion programs. The evaluation should consider the  
full range of problems that occur when people with mental illnesses enter  
the criminal justice system and factors such as key stakeholders,  
eligibility criteria, case processing, treatment options, funding  
sources, and disposition of cases upon program completion.>>

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