

HOUSE BILL No. 4355

EXECUTIVE BUDGET BILL

February 28, 2007, Introduced by Rep. Gillard and referred to the Committee on Appropriations.

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:

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, 2008, from the

1 funds indicated in this part. The following is a summary of the
 2 appropriations in this part:

3 **JUDICIARY**

4 APPROPRIATION SUMMARY:

5	Full-time equated exempted positions.....	509.0	
6	GROSS APPROPRIATION.....		\$ 263,232,200
7	Interdepartmental grant revenues:		
8	Total interdepartmental grants and intradepartmental		
9	transfers		2,523,500
10	ADJUSTED GROSS APPROPRIATION.....		\$ 260,708,700
11	Federal revenues:		
12	Total federal revenues.....		4,626,400
13	Special revenue funds:		
14	Total local revenues.....		5,409,700
15	Total private revenues.....		842,500
16	Total other state restricted revenues.....		87,892,800
17	State general fund/general purpose.....		\$ 161,937,300
18	Sec. 102. SUPREME COURT		
19	Full-time equated exempted positions.....	235.0	
20	Supreme court administration--97.0 FTE positions		\$ 11,587,500
21	Judicial institute--16.0 FTE positions		2,797,700
22	State court administrative office--62.0 FTE positions		10,641,000
23	Judicial information systems--18.0 FTE positions		3,333,400
24	Direct trial court automation support--26.0 FTE		
25	positions		5,409,700
26	Foster care review board--12.0 FTE positions		1,312,500
27	Community dispute resolution--4.0 FTE positions		2,291,600

1	Other federal grants.....	275,000
2	Drug treatment courts.....	<u>4,720,300</u>
3	GROSS APPROPRIATION.....	\$ 42,368,700
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from department of community health.....	1,800,000
7	IDG from department of labor and economic growth.....	0
8	IDG from state police - Michigan justice training fund	300,000
9	Federal revenues:	
10	DOJ, victims assistance programs.....	50,000
11	DOJ, drug court training and evaluation.....	300,000
12	DOT, national highway traffic safety administration..	800,000
13	HHS, access and visitation grant.....	387,000
14	HHS, children's justice grant.....	206,300
15	HHS, court improvement project.....	1,160,000
16	HHS, title IV-D child support program.....	907,700
17	HHS, title IV-E foster care program.....	540,400
18	Other federal grant revenues.....	275,000
19	Special revenue funds:	
20	Local - user fees.....	5,409,700
21	Private.....	169,000
22	Private - interest on lawyers trust accounts.....	232,700
23	Private - state justice institute.....	370,800
24	Community dispute resolution fund.....	2,291,600
25	Law exam fees.....	482,100
26	Drug court fund.....	1,920,500
27	Miscellaneous revenue.....	227,900

1	Justice system fund.....	700,000
2	State court fund.....	339,000
3	State general fund/general purpose.....	\$ 23,499,000
4	Sec. 103. COURT OF APPEALS	
5	Full-time equated exempted positions..... 212.0	
6	Court of appeals operations--212.0 FTE positions.....	<u>\$ 20,236,400</u>
7	GROSS APPROPRIATION.....	\$ 20,236,400
8	Appropriated from:	
9	Special revenue funds:	
10	Court filing/motion fees.....	1,958,500
11	Miscellaneous revenue.....	77,800
12	State general fund/general purpose.....	\$ 18,200,100
13	Sec. 104. BRANCHWIDE APPROPRIATIONS	
14	Full-time equated exempted positions..... 4.0	
15	Branchwide appropriations--4.0 FTE positions.....	<u>\$ 7,767,300</u>
16	GROSS APPROPRIATION.....	\$ 7,767,300
17	Appropriated from:	
18	State general fund/general purpose.....	\$ 7,767,300
19	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
20	Full-time judges positions 621.0	
21	Supreme court justices' salaries--7.0 judges.....	\$ 1,152,300
22	Court of appeals judges' salaries--28.0 judges.....	4,240,300
23	District court judges' state base salaries--258.0	
24	judges	23,877,200
25	District court judicial salary standardization.....	11,796,800
26	Probate court judges' state base salaries--103.0	
27	judges	9,627,900

1	Probate court judicial salary standardization.....	4,669,700
2	Circuit court judges' state base salaries--225.0	
3	judges	20,817,200
4	Circuit court judicial salary standardization.....	10,105,000
5	Judges' retirement system defined contributions	3,359,300
6	OASI, social security.....	<u>5,105,600</u>
7	GROSS APPROPRIATION.....	\$ 94,751,300
8	Appropriated from:	
9	Special revenue funds:	
10	Court fee fund.....	7,090,200
11	State general fund/general purpose	\$ 87,661,100
12	Sec. 106. JUDICIAL AGENCIES	
13	Full-time equated exempted positions..... 8.0	
14	Judicial tenure commission--8.0 FTE positions	<u>\$ 1,040,200</u>
15	GROSS APPROPRIATION.....	\$ 1,040,200
16	Appropriated from:	
17	State general fund/general purpose	\$ 1,040,200
18	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
19	Full-time equated exempted positions..... 50.0	
20	Appellate public defender program--42.0 FTE positions	\$ 5,013,000
21	Appellate assigned counsel administration--8.0 FTE	
22	positions	<u>917,000</u>
23	GROSS APPROPRIATION.....	\$ 5,930,000
24	Appropriated from:	
25	Interdepartmental grant revenues:	
26	IDG from state police - Michigan justice training fund	423,500
27	Special revenue funds:	

1	Private - interest on lawyers trust accounts	70,000
2	Miscellaneous revenue	113,100
3	State general fund/general purpose	\$ 5,323,400
4	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
5	Indigent civil legal assistance	<u>\$ 7,937,000</u>
6	GROSS APPROPRIATION	\$ 7,937,000
7	Appropriated from:	
8	Special revenue funds:	
9	State court fund	7,937,000
10	State general fund/general purpose	\$ 0
11	Sec. 109. TRIAL COURT OPERATIONS	
12	Court equity fund reimbursements	\$ 68,886,200
13	Judicial technology improvement	<u>4,465,000</u>
14	GROSS APPROPRIATION	\$ 73,351,200
15	Appropriated from:	
16	Special revenue funds:	
17	Court equity fund	50,440,000
18	Judicial technology improvement fund	4,465,000
19	State general fund/general purpose	\$ 18,446,200
20	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
21	GOVERNMENT	
22	Drug case-flow program	\$ 250,000
23	Drunk driving case-flow program	3,000,000
24	Juror compensation reimbursement	6,600,000
25	Transcript fee reimbursement	<u>100</u>
26	GROSS APPROPRIATION	\$ 9,850,100
27	Appropriated from:	

1 Special revenue funds:

2	Drug fund.....	250,000
3	Drunk driving fund.....	3,000,000
4	Juror compensation fund.....	6,600,000
5	Transcript fee fund.....	100
6	State general fund/general purpose.....	\$ 0

7 PART 2

8 PROVISIONS CONCERNING APPROPRIATIONS

9 GENERAL SECTIONS

10 Sec. 201. (1) Pursuant to section 30 of article IX of the
 11 state constitution of 1963, total state spending from state
 12 resources under part 1 for fiscal year 2007-2008 is \$249,830,100.00
 13 and state spending from state resources to be paid to local units
 14 of government for fiscal year 2007-2008 is \$ 125,187,300. The
 15 itemized statement below identifies appropriations from which
 16 spending to units of local government will occur:

17 JUDICIARY

18 SUPREME COURT

19	State court administrative office.....	\$ 511,900
20	Drug treatment courts.....	4,420,300

21 TRIAL COURT OPERATIONS

22	Court equity fund reimbursements.....	\$ 68,886,200
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	854,400
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	6,600,000
10	Transcript fee reimbursement	<u>100</u>
11	TOTAL	\$ 125,187,300

12 Sec. 202. (1) The appropriations authorized under this bill
 13 are subject to the management and budget act, 1984 PA 431, MCL
 14 18.1101 to 18.1594.

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

24 Sec. 203. As used in this bill:

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

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

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

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

4 (e) "IDG" means interdepartmental grant.

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

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

14 Sec. 214. Funds appropriated in part 1 shall not be used for
15 the purchase of foreign goods or services, or both, if
16 competitively priced and comparable quality American goods or
17 services, or both, are available. Preference should be given to
18 goods or services, or both, manufactured or provided by Michigan
19 businesses if they are competitively priced and of comparable
20 quality.

21 Sec. 215. (1) Due to the current budgetary problems in this
22 state, out-of-state travel shall be limited to situations in which
23 1 or more of the following conditions apply:

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

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

1 circumstances.

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

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

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

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

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

17 (3) Not later than January 1 of each year, the state court
18 administrative office shall prepare a travel report listing all
19 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 chairs and members of the
23 senate and house of representatives standing committees on
24 appropriations, the fiscal agencies, and the state budget director.
25 The report shall include the following information:

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

1 (b) The destination of each travel occurrence.

2 (c) The dates of each travel occurrence.

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

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

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

12 **JUDICIAL BRANCH**

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

24 (2) From funds appropriated in part 1, the direct trial court
25 automation support program of the state court administrative office
26 shall provide to the state budget director, the senate and house

1 appropriations committees, and the senate and house fiscal agencies
2 before January 1 of each year, a detailed list of user service
3 charges collected during the immediately preceding state fiscal
4 year.

5 Sec. 302. Funds appropriated within the judicial branch shall
6 not be expended by any component within the judicial branch without
7 the approval of the supreme court.

8 Sec. 303. Of the amount appropriated in part 1 for the
9 judicial branch, \$325,000.00 is allocated for circuit court
10 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
11 \$186,900.00 is allocated for court of claims reimbursement under
12 section 6413 of the revised judicature act of 1961, 1961 PA 236,
13 MCL 600.6413.

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

17 Sec. 307. From the funds appropriated in part 1 for court of
18 appeals operations, the judiciary shall use the following revenue
19 amounts for the purpose of delay reduction:

20 (a) \$225,000.00 of additional filing fee revenue raised from
21 the increase from \$250.00 to \$375.00 in court of appeals filing
22 fees under section 321(1)(a) of the revised judicature act of 1961,
23 1961 PA 236, MCL 600.321.

24 (b) \$87,500.00 of additional fee revenue raised from the
25 increase in court of appeals motion fees from \$75.00 to \$100.00 and
26 from the increase from \$150.00 to \$200.00 in fees for motions for
27 immediate consideration or expedited appeal under section 321(1)(b)

1 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL
2 600.321.

3 Sec. 308. If sufficient funds are not available from the court
4 fee fund to pay judges' compensation, the difference between the
5 appropriated amount from that fund for judges' compensation and the
6 actual amount available after the amount appropriated for trial
7 court reimbursement is made shall be appropriated from the state
8 general fund for judges' compensation.

9 Sec. 310. From the funds appropriated in part 1 for drug
10 treatment court programs, with the approval of and at the
11 discretion of the supreme court, the state court administrative
12 office shall evaluate and collect data on the performance of drug
13 treatment court programs. The state court administrative office
14 shall provide an annual review of the performance of drug courts,
15 1961 PA 236, MCL 600.1078(6). In addition:

16 (a) The annual review required by statute shall include
17 measures of the impact of drug court programs in changing offender
18 criminal involvement (recidivism) and substance abuse and in
19 reducing prison admissions.

20 (b) The review shall be completed no later than April 1 of
21 each year and shall also be provided to the senate and house
22 appropriations subcommittees on the judiciary, the senate and house
23 fiscal agencies, and the state budget director.

24 (c) The evaluation of a program funded with federal Byrne
25 funds shall be consistent with any requirements contained in the
26 federal Byrne grant for that program.

27 Sec. 311. (1) The funds appropriated in part 1 for drug

1 treatment courts shall be administered by the state court
2 administrative office to operate drug treatment court programs.

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

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