

JUDICIARY

Summary: House Subcommittee Recommendation SB 249 (H-1) Draft 1



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	FY 2008-09 YTD	FY 2009-10 Executive	FY 2009-10 Senate	FY 2009-10 House	FY 2009-10 Enacted	Difference: House From FY 2008-09 YTD	
						Amount	%
IDG/IDT	\$2,573,500	\$2,573,500	\$3,553,500	\$2,573,500		\$0	0.0
Federal	5,126,400	5,126,400	5,126,500	5,126,500		100	0.0
Local	6,093,100	6,149,300	6,149,300	6,149,300		56,200	0.9
Private	842,500	842,500	842,500	842,500		0	0.0
Restricted	87,947,900	88,605,600	88,605,600	88,605,600		657,700	0.7
GF/GP	156,472,000	158,785,900	154,251,900	154,164,400		(2,307,600)	(1.5)
Gross	\$259,055,400	\$262,083,200	\$258,529,300	\$257,461,800		(\$1,593,600)	(0.6)
FTEs	491.0	491.0	491.0	491.0		(0.0)	(0.0)

Note: FY 2008-09 figures reflect supplementals and Executive Order (EO) actions through June 1, 2009. The May 12, 2009 negative supplemental reduced the FY 2008-09 Judiciary GF/GP total by \$2.8 million spread to various line items.

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government, which receives funds appropriated through the budget act for the Judiciary. The Judiciary budget provides operational funding for the Michigan Supreme Court, Court of Appeals, and related judicial agencies. The budget also funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Assistance for local court operations is provided through a variety of grant programs. The largest of these, the Court Equity grant program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

Major Budget Changes From FY 2008-09 YTD Appropriations		FY 2008-09 YTD	House Change From YTD
1. General Fund Reduction <u>Executive</u> recommended two percent administrative reduction from FY 2008-09 enacted appropriation (prior to negative supplemental reductions) spread to various line items. <u>Senate</u> reduced current FY 2008-09 YTD (with negative supplemental included) by an additional \$3.1 million spread to various line items. <u>House</u> reduced current FY 2008-09 YTD (with negative supplemental included) by an additional \$3.2 million spread to various line items: Supreme Court Administration (\$228,200); Judicial Institute (\$45,800); Supreme Court Administrative Office (\$125,500); Judicial Information Systems (\$54,100); Foster Care Review Board \$16,400; Drug Treatment Courts \$31,600; Court of Appeals (\$2,100); Judicial Tenure Commission (\$18,200); Appellate Public Defender Program \$91,900; Appellate Assigned Counsel \$17,900; Court Equity Fund (\$2,907,600). Both House and Senate GF/GP funding reduction figures assume a \$2.5 million transfer from the juror compensation reimbursement fund to the general fund to mitigate Judiciary budget general fund reductions.	Gross	N/A	(\$3,223,700)
	GF/GP	N/A	(\$3,223,700)
2. Mental Health Court Pilots <u>Executive</u> removed total funding of \$523,600 GF/GP to mental health court pilots, which is intended to facilitate cooperation between mental health service providers and the judicial system and provide offenders who need mental health services with treatment and other services. <u>Senate</u> included \$100 placeholder. <u>House</u> concurred with Senate.	Gross	\$523,600	(\$523,500)
	GF/GP	\$523,600	(\$523,500)

Major Budget Changes From FY 2008-09 YTD Appropriations		FY 2008-09 YTD	House Change From YTD
3. Juvenile Training Pilot Project	Gross	N/A	\$100
<u>Senate</u> included a \$100 placeholder for a pilot project to train criminal defense attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services. <u>House</u> concurred with <u>Senate</u> .	Federal	N/A	\$100
	GF/GP	N/A	\$0
4. Intensive Probation Pilot Program	Gross	N/A	\$0
<u>Senate</u> included a \$980,000 IDG from the Department of Corrections for an intensive probation pilot program. <u>House</u> did not include.	IDG/IDT	N/A	\$0
	GF/GP	N/A	\$0
5. Judicial Technology Improvement	Gross	\$4,465,000	\$350,000
Increases appropriation by \$350,000 due to the receipt of additional revenues from the Civil Filing Fee Fund. Revenue primarily supports the Judicial Data Warehouse and the Next Generation of Judicial Information System (trial court case management system upgrade). <u>Executive</u> , <u>Senate</u> , and <u>House</u> concurred.	Restricted	\$4,465,000	\$350,000
	GF/GP	\$0	\$0
6. Drunk Driving Case-Flow Program	Gross	\$3,000,000	\$300,000
Increases appropriation by \$300,000 due to an increase in collections of driver license reinstatement fees which support the Drunk Driving Case-Flow Fund. <u>Executive</u> , <u>Senate</u> , and <u>House</u> concurred.	Restricted	\$3,000,000	\$300,000
	GF/GP	\$0	\$0
7. Economics	Gross	N/A	\$1,503,500
Funds economic adjustments as follows:	Federal	N/A	0
• Salaries/wages increase: \$328,300 gross, \$308,200 GF/GP	Local	N/A	56,200
• Defined Contribution (new judges): \$224,300 gross and GF/GP	Private	N/A	0
• OASI, social security (judges): \$114,500 gross and GF/GP	Restricted	N/A	7,700
• Insurance: \$202,200 gross, \$185,300 GF/GP	GF/GP	N/A	\$1,439,600
• Retirement increase: \$477,200 gross, \$448,500 GF/GP			
• Rent reduction: (\$18,400) gross and GF/GP			
• Workers' compensation increase: \$162,800 gross and GF/GP			
• Building occupancy increase: \$12,600 gross, \$14,400 GF/GP			

Major Boilerplate Changes From FY 2008-09

Sec. 204. Employee Contact with Legislature – MAINTAINED

Prohibits disciplinary action against a judicial employee for communicating with a Legislator or his or her staff. Executive deleted. Senate retained current-year language. House retained current-year language.

Sec. 212. Retention of Reports – DELETED

Directs the judicial branch to comply with federal and state guidelines for short-term and long-term retention of reports funded through appropriations. Executive deleted. Senate retained current-year language. House deleted.

Sec. 215. Travel Restrictions - MAINTAINED

Restricts out-of-state travel for judicial branch employees. Executive removed section allowing chief justice to grant exceptions on out-of-state travel restrictions. Senate retained current-year language. House retained current-year language.

Sec. 216. Report Requirement – DELETED

Requires judicial branch to report by April 1, 2008, on each policy change made to implement enacted legislation; prohibits funding for regulatory plans or for rules that fail to reduce economic impact on small businesses. Executive deleted. Senate retained current-year language. House deleted.

Sec. 218. Out-of-State Professional Development Conference Travel – MAINTAINED

Limits travel to out-of-state professional development conferences to one judicial employee unless conference is funded by federal or private funding source and requires more than once person to attend. Executive deleted. Senate retained current-year language. House retained current-year language.

Sec. 219. General Fund Lapses - NOT INCLUDED

Requires a report on General Fund lapses. Senate adds as new language. House did not include.

Sec. 220. Satellite Offices - NEW

Intent language stating that the Supreme Court shall retain their satellite offices. House added as new language.

Major Boilerplate Changes From FY 2008-09

Sec. 304. Auditor General – MAINTAINED

Requires judicial branch to cooperate with the auditor general in audits of judicial branch. Executive deleted. Senate retained current-year language. House retained current-year language.

Sec. 305. Expenditure and Revenue Reports – MAINTAINED

Requires quarterly financial reports on judiciary budget revenue and expenditure. Executive deleted. Senate retained current-year language. House retained current-year language.

Sec. 309. Pilot Mental Health Courts – REVISED

Requires State Court Administrative Office to work with the Department of Community Health to develop guidelines for the operation and evaluation of pilot mental health courts. Local courts may apply for funding based on community need and local commitment. Executive deleted. Senate revised to require an update on the status of the pilot courts by April 1, 2010. House concurred with Senate.

Sec. 312. Parental Rights Restoration Act Report – DELETED

Instructs state court administrator to report total number of petitions filed by minors seeking court-issued waiver of parental consent under Parental Rights Restoration Act, and total number of petitions granted. Executive deleted. Senate retained current-year language. House deleted.

Sec. 314. Standardized Risk Assessment - NOT INCLUDED

Requests the State Court Administrative Office to conduct a survey of trial courts to determine best practices for standardized risk assessment. Senate added as new language. House did not include.

Sec. 318. Intensive Probation Pilot Program - NEW

Establishes an intensive probation pilot program with an IDG from the Department of Corrections. Senate added as new language. House revised section to intent language instructing the judiciary and department of corrections to cooperate in the development and implementation of a pilot project for high-risk, high-need probationers.

Sec. 319. Juvenile Training Pilot Project - NEW

Establishes a pilot project to train criminal defense attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services. Senate added as new language. House concurred with Senate.