

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 249

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; 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 state and local departments, 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:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial

branch for the fiscal year ending September 30, 2010, 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..... 491.0

GROSS APPROPRIATION..... \$ 257,461,900

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 2,573,500

ADJUSTED GROSS APPROPRIATION..... \$ 254,888,400

Federal revenues:

Total federal revenues..... 5,126,600

Special revenue funds:

Total local revenues..... 6,149,300

Total private revenues..... 842,500

Total other state restricted revenues..... 88,605,600

State general fund/general purpose..... \$ 154,164,400

#### Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 243.0

Supreme court administration--97.0 FTE positions..... \$ 10,548,300

Judicial institute--13.0 FTE positions..... 2,554,600

State court administrative office--60.0 FTE positions 10,029,300

Judicial information systems--22.0 FTE positions..... 3,092,000

Direct trial court automation support--36.0 FTE

positions ..... 6,149,300

Foster care review board--12.0 FTE positions..... 1,267,100

1	Community dispute resolution--3.0 FTE positions .....	2,300,400
2	Other federal grants .....	275,000
3	Drug treatment courts .....	5,178,700
4	Pilot mental health court programs .....	200
5	Juvenile training pilot project .....	<u>200</u>
6	GROSS APPROPRIATION .....	\$ 41,395,100
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from department of community health .....	1,800,000
10	IDG from department of corrections .....	50,000
11	IDG from state police - Michigan justice training fund	300,000
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 ..	1,300,000
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 .....	540,400
21	Other federal grant revenues .....	275,200
22	Special revenue funds:	
23	Local - user fees .....	6,149,300
24	Private .....	169,000
25	Private - interest on lawyers trust accounts .....	232,700
26	Private - state justice institute .....	370,800
27	Community dispute resolution fund .....	2,300,400

1	Law exam fees.....	536,200
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.....	\$ 21,172,700
7	<b>Sec. 103. COURT OF APPEALS</b>	
8	Full-time equated exempted positions.....	190.0
9	Court of appeals operations--190.0 FTE positions.....	\$ <u>18,785,600</u>
10	GROSS APPROPRIATION.....	\$ 18,785,600
11	Appropriated from:	
12	Special revenue funds:	
13	Court filing/motion fees.....	1,958,500
14	Miscellaneous revenue.....	77,800
15	State general fund/general purpose.....	\$ 16,749,300
16	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
17	Full-time equated exempted positions.....	4.0
18	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,039,400</u>
19	GROSS APPROPRIATION.....	\$ 8,039,400
20	Appropriated from:	
21	State general fund/general purpose.....	\$ 8,039,400
22	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>	
23	Full-time judges positions .....	617.0
24	Supreme court justices' salaries--7.0 judges.....	\$ 1,152,300
25	Court of appeals judges' salaries--28.0 judges.....	4,240,300
26	District court judges' state base salaries--258.0	
27	judges .....	23,877,200

1	District court judicial salary standardization.....	11,796,800
2	Probate court judges' state base salaries--103.0	
3	judges .....	9,627,900
4	Probate court judicial salary standardization.....	4,669,700
5	Circuit court judges' state base salaries--221.0	
6	judges .....	20,817,200
7	Circuit court judicial salary standardization.....	10,105,000
8	Judges' retirement system defined contributions .....	3,781,000
9	OASI, social security.....	<u>5,468,400</u>
10	GROSS APPROPRIATION.....	\$ 95,535,800
11	Appropriated from:	
12	Special revenue funds:	
13	Court fee fund.....	7,090,200
14	State general fund/general purpose .....	\$ 88,445,600
15	<b>Sec. 106. JUDICIAL AGENCIES</b>	
16	Full-time equated exempted positions..... 7.0	
17	Judicial tenure commission--7.0 FTE positions .....	\$ <u>969,800</u>
18	GROSS APPROPRIATION.....	\$ 969,800
19	Appropriated from:	
20	State general fund/general purpose .....	\$ 969,800
21	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
22	Full-time equated exempted positions..... 47.0	
23	Appellate public defender program--39.0 FTE positions	\$ 5,075,100
24	Appellate assigned counsel administration--8.0 FTE	
25	positions .....	<u>941,500</u>
26	GROSS APPROPRIATION.....	\$ 6,016,600
27	Appropriated from:	

1	Interdepartmental grant revenues:	
2	IDG from state police - Michigan justice training fund	423,500
3	Special revenue funds:	
4	Private - interest on lawyers trust accounts .....	70,000
5	Miscellaneous revenue .....	113,100
6	State general fund/general purpose .....	\$ 5,410,000
7	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
8	Indigent civil legal assistance .....	\$ <u>7,937,000</u>
9	GROSS APPROPRIATION .....	\$ 7,937,000
10	Appropriated from:	
11	Special revenue funds:	
12	State court fund .....	7,937,000
13	State general fund/general purpose .....	\$ 0
14	<b>Sec. 109. TRIAL COURT OPERATIONS</b>	
15	Court equity fund reimbursements .....	\$ 63,817,600
16	Judicial technology improvement .....	<u>4,815,000</u>
17	GROSS APPROPRIATION .....	\$ 68,632,600
18	Appropriated from:	
19	Special revenue funds:	
20	Court equity fund .....	50,440,000
21	Judicial technology improvement fund .....	4,815,000
22	State general fund/general purpose .....	\$ 13,377,600
23	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>	
24	<b>GOVERNMENT</b>	
25	Drug case-flow program .....	\$ 250,000
26	Drunk driving case-flow program .....	3,300,000
27	Juror compensation reimbursement .....	<u>6,600,000</u>

1	GROSS APPROPRIATION.....	\$	10,150,000
2	Appropriated from:		
3	Special revenue funds:		
4	Drug fund.....		250,000
5	Drunk driving fund.....		3,300,000
6	Juror compensation fund.....		6,600,000
7	State general fund/general purpose.....	\$	0

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 GENERAL SECTIONS

11 Sec. 201. Pursuant to section 30 of article IX of the state  
 12 constitution of 1963, total state spending from state resources  
 13 under part 1 for fiscal year 2009-2010 is \$242,770,000.00 and state  
 14 spending from state resources to be paid to local units of  
 15 government for fiscal year 2009-2010 is \$121,282,100.00. The  
 16 itemized statement below identifies appropriations from which  
 17 spending to local units of government will occur:

18 JUDICIARY

19 SUPREME COURT

20	State court administrative office.....	\$	511,900
21	Drug treatment courts.....		4,878,700

22 TRIAL COURT OPERATIONS

23	Court equity fund reimbursements.....	\$	63,817,600
24	Judicial technology improvement fund.....		4,815,000

25 JUSTICES' AND JUDGES' COMPENSATION

1	District court judicial salary standardization.....	\$	11,796,800
2	Probate court judges' state base salaries.....		9,627,900
3	Probate court judicial salary standardization.....		4,669,700
4	Circuit court judicial salary standardization.....		10,105,000
5	Grant to OASI contribution fund, employers share,		
6	social security .....		909,500
7	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
8	Drunk driving case-flow program.....	\$	3,300,000
9	Drug case-flow program.....		250,000
10	Juror compensation reimbursement.....		<u>6,600,000</u>
11	TOTAL.....	\$	121,282,100

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

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

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

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

26 Sec. 215. (1) Due to the current budgetary problems in this  
27 state, out-of-state travel for the fiscal year ending September 30,

1 2010 shall be limited to situations in which 1 or more of the  
2 following conditions apply:

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

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

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

11 (d) The travel is necessary to comply with federal  
12 requirements.

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

15 (f) The travel is financed entirely by federal or nonstate  
16 funds.

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

23 (3) Not later than January 1 of each year, the state court  
24 administrative office shall prepare a travel report listing all  
25 travel by judicial branch employees outside this state in the  
26 immediately preceding fiscal year that was funded in whole or in  
27 part with funds appropriated in the budget for the judicial branch.

1 The report shall be submitted to the senate and house of  
2 representatives standing committees on appropriations, the senate  
3 and house fiscal agencies, and the state budget director. The  
4 report shall include the following information:

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

7 (b) The destination of each travel occurrence.

8 (c) The dates of each travel occurrence.

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

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

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

18 Sec. 218. The judicial branch shall not approve the travel of  
19 more than 1 judicial employee to a specific professional  
20 development conference or training seminar that is located outside  
21 of this state unless a professional development conference or  
22 training seminar is funded by a federal or private funding source  
23 and requires more than 1 person from the judicial branch to attend,  
24 or the conference or training seminar includes multiple issues in  
25 which 1 employee from the judicial branch does not have expertise.

26 Sec. 220. It is the intent of the legislature that the supreme  
27 court retain its satellite offices.

1       Sec. 221. From the funds appropriated in part 1, the judicial  
2 branch shall use an amount not to exceed \$10,000.00 to develop,  
3 post, and maintain, on a publicly accessible Internet site, all  
4 expenditures made by the judicial branch within a fiscal year. The  
5 posting must include the purpose for which each expenditure is  
6 made. The judicial branch shall not be required to hire additional  
7 employees to comply with this section.

8       **JUDICIAL BRANCH**

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

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

1       Sec. 302. Funds appropriated within the judicial branch shall  
2 not be expended by any component within the judicial branch without  
3 the approval of the supreme court.

4       Sec. 303. Of the amount appropriated in part 1 for the  
5 judicial branch, \$325,000.00 is allocated for circuit court  
6 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
7 \$186,900.00 is allocated for court of claims reimbursement under  
8 section 6413 of the revised judicature act of 1961, 1961 PA 236,  
9 MCL 600.6413.

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

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

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

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

7       Sec. 309. By April 1, 2010, the state court administrative  
8 office shall provide an update on the status of the pilot mental  
9 health courts to the state budget director, the senate and house  
10 appropriations subcommittees on the judiciary, and the senate and  
11 house fiscal agencies.

12       Sec. 310. From the funds appropriated in part 1 for drug  
13 treatment court programs, with the approval of and at the  
14 discretion of the supreme court, the state court administrative  
15 office shall evaluate and collect data on the performance of drug  
16 treatment court programs. The state court administrative office  
17 shall provide an annual review of the performance of drug courts as  
18 prescribed in section 1078(6) of the revised judicature act of  
19 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that  
20 annual review:

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

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

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

4 Sec. 311. (1) The funds appropriated in part 1 for drug  
5 treatment courts shall be administered by the state court  
6 administrative office to operate drug treatment court programs. A  
7 drug treatment court shall be responsible for handling cases  
8 involving substance abusing nonviolent offenders through  
9 comprehensive supervision, testing, treatment services, and  
10 immediate sanctions and incentives. A drug treatment court shall  
11 use all available county and state personnel involved in the  
12 disposition of cases including, but not limited to, parole and  
13 probation agents, prosecuting attorneys, defense attorneys, and  
14 community corrections providers. The funds may be used in  
15 connection with other federal, state, and local funding sources.

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

20 (3) For drug treatment court grants, consideration for  
21 priority may be given to those courts where higher instances of  
22 substance abuse cases are filed.

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

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

6       Sec. 318. It is the intent of the legislature that the  
7 judiciary shall cooperate with the department of corrections to  
8 develop and implement a pilot program that is based on evidence-  
9 based practices related to judicial and case management  
10 interventions that have been proven to increase public safety for  
11 high-risk, high-need probationers as determined by a validated risk  
12 and need assessment instrument.

13       Sec. 319. (1) The funds appropriated in part 1 for the  
14 juvenile training pilot project shall be used for the purpose of  
15 training criminal defense attorneys who accept court-appointed  
16 cases concerning juvenile delinquency, abuse, neglect, and  
17 protective services. The judiciary shall contract with the state  
18 appellate defender office's criminal defense resource center, which  
19 provides training to court-assigned criminal defense attorneys at  
20 appellate and trial levels.

21       (2) Training shall include, but not be limited to,  
22 identification of potential trainees, collection of information  
23 about the services they provide to court-assigned clients,  
24 collection of resources for web access, hosting of direct training  
25 events, creation of a new training network, and creation of new  
26 resources including practice manuals.