



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-2768

Fax: (517) 373-1986

Senate Bill 191 (as introduced)

[Vehicle for Governor's Recommendation line items is House Bill 4328.](#)

Committee: Appropriations

| | |
|--|----------------------|
| FY 2012-13 Year-to-Date Gross Appropriation | \$273,760,100 |
|--|----------------------|

Changes from FY 2012-13 Year-to-Date:

- | | |
|---|-------------|
| <p>1. Regionalization and Expansion of Drug, DWI, and Veterans Courts. Governor provided \$3.0 million in GF/GP funding for grants to increase the number of drug courts, DWI/sobriety courts, and veterans' treatment courts. Funding would also be used to encourage regional collaboration for DWI/sobriety courts; currently existing but not previously state-funded veterans' courts would also have an opportunity for grant funding.</p> | 3,000,000 |
| <p>2. Expand Mental Health Courts. Governor nearly doubled funding for mental health courts, increasing funding from \$2.1 million to \$4.1 million (\$2.0 million GF/GP). Added funding would enable five to ten courts to receive grants in addition to the nine courts currently operating.</p> | 2,000,000 |
| <p>3. New Line Items for Mental Health Courts and Swift and Sure. Previously, mental health courts funding and swift-and-sure sanctions funding were in the State Court Administrative Office (SCAO) and drug courts line items respectively; the Governor moved these items' funding into new line items.</p> | 0 |
| <p>4. Trial Court Performance Innovations Fund. The Governor created a new fund (\$4.0 million GF/GP) to provide incentives to courts to become early adopters of best practices such as performance indicators and provide seed money for projects that improve court efficiency.</p> | 4,000,000 |
| <p>5. Implementation of Case Management System. The SCAO is leading the implementation of a new unified case management information system called Michigan Court System (MiCS). \$2.5 million GF/GP funding would train 3,600 system users to begin the transition.</p> | 2,500,000 |
| <p>6. SADO Staff Increase. State Appellate Defender Office (SADO) is statutorily required to handle 25% of the state's criminal defense appellate cases, but in the current fiscal year they are expected to only achieve 22%. The Governor added 1.0 FTE using GF/GP funds to enable the office to fulfill its caseload mandate.</p> | 107,200 |
| <p>7. Judgeship Attrition Savings. In accordance with the 2011 Judicial Resource Recommendation, the Legislature passed a package of bills reducing approximately 40 judgeships by attrition; associated with these reductions the Governor reflected GF/GP savings that will be achieved by the attrition of 5.0 judgeships. This number does not reflect full year savings for all positions as partial savings were recognized in FY 2012-13.</p> | (391,500) |
| <p>8. Align Federal and Restricted Revenues. Several Federal grants and Restricted revenue sources have declined from previous levels; the Governor reduced these items to align spending authorization with anticipated revenue levels (\$0 GF/GP).</p> | (1,284,500) |
| <p>9. Remove One-time Funding for FY 2012-13 Employee Lump-sum Payments. Payment was drawn proportionally from various funding sources; reduction of \$636,900 GF/GP.</p> | (827,200) |
| <p>10. Economic Adjustments. Includes \$265,000 Gross and \$218,000 GF/GP for OPEB and \$2,187,100 Gross and \$1,893,000 GF/GP for other economic adjustments.</p> | 2,452,100 |

| | |
|---------------------|------------|
| Total Changes | 11,556,100 |
|---------------------|------------|

| | |
|---|----------------------|
| FY 2013-14 Governor's Recommendation | \$285,316,200 |
|---|----------------------|

The changes show the differences between the schedule of programs proposed by the Governor and the prior-year line items.

Changes from FY 2012-13 Year-to-Date:

1. **Payments to Locals.** The Trial Court Innovations Fund, one-time funding associated with incentivizing best practices, and the one-time funding for the Michigan Court System (MiCS) case management software implementation are both considered payments to locals; Section 10-201 was updated accordingly.
2. **Deletions.** In keeping with the condensed structure of the Governor's budget, the following current-year language sections were not included: 204, 212, 214, 306, 309, 310, 312, and 321. All were proposed to be deleted in last year's Governor's Recommendation but were subsequently added back by the Legislature. The subjects of these sections included not taking disciplinary action against an employee for communicating with the Legislature; the preference for buying American, Michigan and veteran-owned goods and services; reporting requirements for mental health courts, drug courts and the Parental Rights Restoration Act; and the creation of a legal self-help website.
3. **Definitions.** The Governor eliminated a number of definitions that would no longer be used in the bill. (Sec. 10-203)
4. **Internet Reporting.** The Governor revised the section regarding internet reporting; the language would no longer require that the internet be used for the reporting requirements of the article (but that does not mean it would not be used despite the lack of requirement). Instead the language would state that the internet reporting in the article be completed with the approval of and at the discretion of the Supreme Court. (Sec. 10-208)
5. **Performance Scorecard Website.** Governor proposed a new section stating that the Judiciary shall maintain a publicly accessible website that tracks key performance metrics. (Sec. 10-223)
6. **Adjust Byrne Grant.** The grant amount the Judiciary is expected to receive as an IDG from the Department of State Police to support drug courts was reduced from \$1.8 million to \$1.5 million. (Sec. 10-311(4))
7. **Swift-and-Sure Sanctions – Revise.** The Governor's proposed revision would delete subsection (2) which previously limited participation in the program to only courts which operated a drug court or had a unified trial court. The new language would open up the grant application process to any court that hears felony criminal cases. The new language also does not include subsections (3) and (4) which provided grant preference guidelines and reporting requirements. Additionally, the swift-and-sure sanctions program funding had previously been included in the drug court line item, but under the Governor's proposed budget it is included as a new line item. The associated boilerplate section is updated to reflect the new bill structure. Lastly, the revised language now also states that the funds shall be administered in accordance with the Probation Swift-and-Sure Sanctions Act (P.A. 616 of 2012). Because the grant administration would be done in accordance with P.A. 616 of 2012, there would still be a reporting requirement, but the requirements listed in statute are not the same as those required in current boilerplate. (Sec. 10-320)
8. **Federal Grant Funding.** New language states that if the State Appellate Defender Office (SADO) receives Federal grant funding exceeding the amount allotted in Part 1, SADO may expend up to \$300,000 in grant funds as "other Federal grants." (Sec. 10-322)

Date Completed: 2-14-13

Fiscal Analyst: Dan O'Connor