

SUBSTITUTE FOR
SENATE BILL NO. 191

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. There is appropriated for the judiciary for the
4 fiscal year ending September 30, 2014, from the following funds:

5 JUDICIARY

6 APPROPRIATION SUMMARY

7 Full-time equated exempted positions..... 480.0

8 GROSS APPROPRIATION..... \$ 273,709,000

9 Interdepartmental grant revenues:

1	Total interdepartmental grants and intradepartmental	
2	transfers	2,350,500
3	ADJUSTED GROSS APPROPRIATION.....	\$ 271,358,500
4	Federal revenues:	
5	Total federal revenues.....	5,343,900
6	Special revenue funds:	
7	Total local revenues.....	7,133,100
8	Total private revenues.....	931,500
9	Total other state restricted revenues.....	86,115,900
10	State general fund/general purpose.....	\$ 171,834,100
11	State general fund/general purpose schedule:	
12	Ongoing state general fund/general	
13	purpose	\$171,834,100
14	One-time state general fund/general	
15	purpose	0
16	Sec. 102. SUPREME COURT	
17	Full-time equated exempted positions.....	245.0
18	Supreme court administration--92.0 FTE positions	\$ 10,467,900
19	Judicial institute--13.0 FTE positions	1,760,800
20	State court administrative office--61.0 FTE positions	9,844,900
21	Judicial information systems--22.0 FTE positions	2,382,300
22	Direct trial court automation support--44.0 FTE	
23	positions	5,873,700
24	Foster care review board--10.0 FTE positions	984,800
25	Community dispute resolution--3.0 FTE positions	2,274,700
26	Other federal grants.....	275,100
27	Drug treatment courts.....	7,083,000

1	Mental health courts.....	2,100,000
2	Swift and sure sanctions program.....	6,000,000
3	Community court pilot project.....	20,000
4	Legacy - health care.....	6,430,900
5	Legacy - pension.....	<u>7,308,400</u>
6	GROSS APPROPRIATION.....	\$ 62,806,500
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG from department of state police.....	1,500,000
10	IDG from department of corrections.....	50,000
11	IDG from state police - Michigan justice training fund	334,500
12	Federal revenues:	
13	DOJ, victims assistance programs.....	55,700
14	DOJ, drug court training and evaluation.....	300,000
15	DOT, national highway traffic safety administration..	818,700
16	HHS, access and visitation grant.....	604,900
17	HHS, children's justice grant.....	226,800
18	HHS, court improvement project.....	1,275,200
19	HHS, title IV-D child support program.....	997,900
20	HHS, title IV-E foster care program.....	381,300
21	Other federal grant revenues.....	275,100
22	Special revenue funds:	
23	Local - user fees.....	7,133,100
24	Private.....	185,900
25	Private - interest on lawyers trust accounts.....	255,700
26	Private - state justice institute.....	408,600
27	Community dispute resolution fund.....	2,360,600

1	Court of appeals filing/motion fees	1,641,800
2	Law exam fees	628,100
3	Drug court fund	1,920,500
4	Miscellaneous revenue	268,600
5	Justice system fund	560,300
6	State court fund	372,700
7	State general fund/general purpose	\$ 40,250,500
8	Sec. 103. COURT OF APPEALS	
9	Full-time equated exempted positions	175.0
10	Court of appeals operations--175.0 FTE positions	\$ <u>17,239,400</u>
11	GROSS APPROPRIATION	\$ 17,239,400
12	Appropriated from:	
13	Special revenue funds:	
14	State general fund/general purpose	\$ 17,239,400
15	Sec. 104. BRANCHWIDE APPROPRIATIONS	
16	Full-time equated exempted positions	4.0
17	Branchwide appropriations--4.0 FTE positions	\$ <u>8,506,500</u>
18	GROSS APPROPRIATION	\$ 8,506,500
19	State general fund/general purpose	\$ 8,506,500
20	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
21	Full-time judges positions	605.0
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--249.0	
25	judges	23,044,500
26	District court judicial salary standardization	11,385,300
27	Probate court judges' state base salaries--103.0	

1	judges	9,627,900
2	Probate court judicial salary standardization	4,669,600
3	Circuit court judges' state base salaries--218.0	
4	judges	20,534,600
5	Circuit court judicial salary standardization	9,967,900
6	Judges' retirement system defined contributions	4,185,300
7	OASI, social security	<u>5,639,300</u>
8	GROSS APPROPRIATION	\$ 94,447,000
9	Appropriated from:	
10	Special revenue funds:	
11	Court fee fund	4,890,200
12	State general fund/general purpose	\$ 89,556,800
13	Sec. 106. JUDICIAL AGENCIES	
14	Full-time equated exempted positions	7.0
15	Judicial tenure commission	\$ <u>901,300</u>
16	GROSS APPROPRIATION	\$ 901,300
17	Appropriated from:	
18	State general fund/general purpose	\$ 901,300
19	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
20	Full-time equated exempted positions	49.0
21	Appellate public defender program--42.0 FTE positions	\$ 5,230,300
22	Appellate assigned counsel administration--7.0 FTE	
23	positions	<u>840,900</u>
24	GROSS APPROPRIATION	\$ 6,071,200
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG from state police - Michigan justice training fund	466,000

1	Federal revenues:	
2	Other federal grant revenues	408,300
3	Special revenue funds:	
4	Private - interest on lawyers trust accounts	81,300
5	Miscellaneous revenue	131,100
6	State general fund/general purpose	\$ 4,984,500
7	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
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	Sec. 109. TRIAL COURT OPERATIONS	
15	Court equity fund reimbursements	\$ 60,835,100
16	Judicial technology improvement fund	<u>4,815,000</u>
17	GROSS APPROPRIATION	\$ 65,650,100
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	\$ 10,395,100
23	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL	
24	GOVERNMENT	
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 FOR FISCAL YEAR 2013-2014

11 **GENERAL SECTIONS**

12 Sec. 201. Pursuant to section 30 of article IX of the state

13 constitution of 1963, total state spending from state resources

14 under part 1 for fiscal year 2013-2014 is \$257,950,000.00 and state

15 spending from state resources to be paid to local units of

16 government for fiscal year 2013-2014 is \$127,899,600.00. The

17 itemized statement below identifies appropriations from which

18 spending to local units of government will occur:

19 JUDICIARY

20 SUPREME COURT

21	State court administrative office.....	\$	511,900
22	Drug treatment courts.....		7,083,000
23	Mental health courts.....		1,997,600
24	Swift and sure sanctions.....		5,900,000

25 TRIAL COURT OPERATIONS

1	Court equity fund reimbursements.....	\$	60,835,100
2	Judicial technology improvement fund.....		4,815,000
3	JUSTICES' AND JUDGES' COMPENSATION		
4	District court judicial salary standardization.....	\$	11,385,300
5	Probate court judges' state base salaries.....		9,627,900
6	Probate court judicial salary standardization.....		4,669,600
7	Circuit court judicial salary standardization.....		9,967,900
8	Grant to OASI contribution fund, employers share,		
9	social security		956,300
10	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
11	Drunk driving case-flow program.....	\$	3,300,000
12	Drug case-flow program.....		250,000
13	Juror compensation reimbursement.....		<u>6,600,000</u>
14	TOTAL.....	\$	127,899,600

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

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

27 Sec. 203. As used in this act:

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

2 (b) "DOT" means the United States department of
3 transportation.

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

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

7 (e) "IDG" means interdepartmental grant.

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

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

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

20 Sec. 212. The judicial branch receiving appropriations in part
21 1 shall receive and retain copies of all reports funded from
22 appropriations in part 1. Federal and state guidelines for short-
23 term and long-term retention of records shall be followed. The
24 judicial branch may electronically retain copies of reports unless
25 otherwise required by federal and state guidelines.

26 Sec. 214. Funds appropriated in part 1 shall not be used for
27 the purchase of foreign goods or services, or both, if

1 competitively priced and of comparable quality American goods or
2 services, or both, are available. Preference shall be given to
3 goods or services, or both, manufactured or provided by Michigan
4 businesses, if they are competitively priced and of comparable
5 quality. In addition, preference shall be given to goods or
6 services, or both, that are manufactured or provided by Michigan
7 businesses owned and operated by veterans, if they are
8 competitively priced and of comparable quality.

9 Sec. 215. Not later than January 1 of each year, the state
10 court administrative office shall prepare a travel report listing
11 all travel by judicial branch employees outside this state in the
12 immediately preceding fiscal year that was funded in whole or in
13 part with funds appropriated in the budget for the judicial branch.
14 The report shall be submitted to the senate and house of
15 representatives standing committees on appropriations, the senate
16 and house fiscal agencies, and the state budget director. The
17 report shall include the following information:

18 (a) The dates of each travel occurrence.

19 (b) The total transportation and related costs of each travel
20 occurrence, including the proportion funded with state general
21 fund/general purpose revenues, the proportion funded with state
22 restricted revenues, the proportion funded with federal revenues,
23 and the proportion funded with other revenues.

24 Sec. 219. Not later than November 15, 2014, the state budget
25 office shall prepare and transmit a report that provides for
26 estimates of the total general fund/general purpose appropriation
27 lapses at the close of the fiscal year. This report shall summarize

1 the projected year-end general fund/general purpose appropriation
2 lapses by major program or program areas. The report shall be
3 transmitted to the chairpersons of the senate and house
4 appropriations committees and the senate and house fiscal agencies.

5 Sec. 221. From the funds appropriated in part 1, the judicial
6 branch shall develop, post, and maintain, on a user-friendly and
7 publicly accessible Internet site, all expenditures made by the
8 judicial branch within a fiscal year. The posting shall include the
9 purpose for which each expenditure is made. The judicial branch
10 shall not provide financial information on its website under this
11 section if doing so would violate a federal or state law, rule,
12 regulation, or guideline that establishes privacy or security
13 standards applicable to that financial information.

14 Sec. 222. Within 14 days after the release of the executive
15 budget recommendation, the judicial branch shall cooperate with the
16 state budget office to provide the senate and house appropriations
17 chairs, the senate and house appropriations subcommittees chairs,
18 respectively, and the senate and house fiscal agencies with an
19 annual report on estimated state restricted fund balances, state
20 restricted fund projected revenues, and state restricted fund
21 expenditures for the fiscal years ending September 30, 2013 and
22 September 30, 2014.

23 Sec. 223. The judiciary shall maintain, on a publicly
24 accessible website, a scorecard that identifies, tracks, and
25 regularly updates key metrics that are used to monitor and improve
26 the judiciary's performance.

1 **JUDICIAL BRANCH**

2 Sec. 301. Pursuant to the appropriations in part 1, the direct
3 trial court automation support program of the state court
4 administrative office shall recover direct and overhead costs from
5 trial courts by charging for services rendered. The fee shall cover
6 the actual costs incurred to the direct trial court automation
7 support program in providing the service, including development of
8 future versions of case management systems.

9 Sec. 302. Funds appropriated within the judicial branch shall
10 not be expended by any component within the judicial branch without
11 the approval of the supreme court.

12 Sec. 303. Of the amount appropriated in part 1 for the
13 judicial branch, \$325,000.00 is allocated for circuit court
14 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
15 \$186,900.00 is allocated for court of claims reimbursement under
16 section 6413 of the revised judicature act of 1961, 1961 PA 236,
17 MCL 600.6413.

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

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

27 Sec. 309. By April 1, 2014, the state court administrative

1 office shall provide an update on the status of the mental health
2 courts to the state budget director, the senate and house
3 appropriations subcommittees on the judiciary, and the senate and
4 house fiscal agencies.

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

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

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

21 Sec. 311. (1) The funds appropriated in part 1 for drug
22 treatment courts shall be administered by the state court
23 administrative office to operate drug treatment court programs. A
24 drug treatment court shall be responsible for handling cases
25 involving substance abusing nonviolent offenders through
26 comprehensive supervision, testing, treatment services, and
27 immediate sanctions and incentives. A drug treatment court shall

1 use all available county and state personnel involved in the
2 disposition of cases including, but not limited to, parole and
3 probation agents, prosecuting attorneys, defense attorneys, and
4 community corrections providers. The funds may be used in
5 connection with other federal, state, and local funding sources.

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

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

13 (4) The judiciary shall receive \$1,500,000.00 in Byrne formula
14 grant funding as an interdepartmental grant from the department of
15 state police to be used for expansion of drug treatment courts, to
16 assist in avoiding prison bed space growth for nonviolent offenders
17 in collaboration with the department of corrections.

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

26 Sec. 317. Funds appropriated in part 1 shall not be used for
27 the permanent assignment of state-owned vehicles to justices or

1 judges or any other judicial branch employee. This section does not
2 preclude the use of state-owned motor pool vehicles for state
3 business in accordance with approved guidelines.

4 Sec. 318. The funds appropriated in part 1 for the community
5 court pilot project shall be used for the purposes of administering
6 a pilot program of neighborhood-focused community courts. The state
7 court administrative office shall work collaboratively with the
8 designated courts when establishing the community courts.

9 Sec. 320. (1) From the funds appropriated in part 1 for the
10 swift and sure sanctions program, the state court administrative
11 office shall administer a program to distribute grants to
12 qualifying courts in accordance with the objectives and
13 requirements of the probation swift and sure sanctions act. Of the
14 \$6,000,000.00 designated for the program, not more than \$100,000.00
15 shall be available to the state court administrative office to pay
16 for employee costs associated with the administration of the
17 program funds. Courts interested in participating in the swift-and-
18 sure sanctions program may apply to the state court administrative
19 office for a portion of the funds appropriated in part 1 under this
20 section.

21 (2) By April 1, 2014, a court that receives funding under this
22 section shall provide a report on the program to the state budget
23 director, the senate and house appropriations subcommittees on the
24 judiciary, and the senate and house fiscal agencies. The report
25 shall include all of the following:

26 (a) The number of offenders who participate in the program.

27 (b) The criminal history of offenders who participate in the

1 program.

2 (c) The recidivism rate of offenders who participate in the
3 program, including the rate of return to jail, prison, or both.

4 (d) A detailed description of the establishment and parameters
5 of the program.

6 (3) As used in this section, "program" means a swift-and-sure
7 sanctions program.

8 Sec. 321. It is the intent of the legislature that the
9 judicial branch support a statewide legal self-help Internet
10 website and local nonprofit self-help centers that use the
11 statewide website to provide assistance to individuals representing
12 themselves in civil legal proceedings. The state court
13 administrative office shall evaluate the effectiveness of the
14 website, summarize the costs of maintaining the website, estimate
15 the savings the website generates for the state court system, and
16 report this information to the legislature.

17 Sec. 322. If Byrne formula grant funding is awarded to the
18 state appellate defender, the state appellate defender office may
19 receive and expend Byrne formula grant funds in an amount not
20 exceeding \$250,000.00 as an interdepartmental grant from the
21 department of state police. If the appellate defender appointed
22 under section 3 of the appellate defender act, 1978 PA 620, MCL
23 780.713, receives federal grant funding from the department of
24 justice in excess of the amount appropriated in part 1, the office
25 of appellate defender may receive and expend grant funds in an
26 amount not exceeding \$300,000.00 as other federal grants.

27 Sec. 323. The state court administrative office shall provide

1 courts with a quarterly listing of out-of-state placements of
2 juveniles by court. The state court administrative office shall
3 also provide each judge who hears juvenile matters with the annual
4 listing of per diem costs of the public and private residential
5 care facilities located or doing business in this state, and the
6 recidivism data for each facility, if available, as provided by the
7 department of human services. The courts shall acknowledge receipt
8 of this information.

9 PART 2A

10 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS
11 FOR FISCAL YEAR 2014-2015

12 **GENERAL SECTIONS**

13 Sec. 1201. It is the intent of the legislature to provide
14 appropriations for the fiscal year ending on September 30, 2015 for
15 the line items listed in part 1. The fiscal year 2014-2015
16 appropriations are anticipated to be the same as those for fiscal
17 year 2013-2014, except that the line items will be adjusted for
18 changes in caseload and related costs, federal fund match rates,
19 economic factors, and available revenue. These adjustments will be
20 determined after the January 2014 consensus revenue estimating
21 conference.