SUBSTITUTE FOR

SENATE BILL NO. 180

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2012; to provide for the expenditure of these appropriations; to provide anticipated appropriations for the fiscal year ending September 30, 2013; 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:

PART 1

LINE-ITEM APPROPRIATIONS

FOR FISCAL YEAR 2011-2012

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, 2012, 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.....	$	256,973,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		3,573,500
ADJUSTED GROSS APPROPRIATION.....	$	253,399,700
Federal revenues:		
Total federal revenues.....		5,539,500
Special revenue funds:		
Total local revenues.....		6,342,700
Total private revenues.....		842,500
Total other state restricted revenues.....		88,140,700
State general fund/general purpose.....	$	152,534,300

Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 243.0		
Supreme court administration--97.0 FTE positions	$	11,184,900
Judicial institute--13.0 FTE positions		1,979,000
State court administrative office--60.0 FTE positions		10,548,900
Judicial information systems--22.0 FTE positions		3,174,700
Direct trial court automation support--36.0 FTE positions		6,342,700
Foster care review board--12.0 FTE positions		1,289,800

1	Community dispute resolution--3.0 FTE positions	2,335,500
2	Other federal grants	275,100
3	Drug treatment courts	7,133,000
4	Community court pilot project	20,000
5	GROSS APPROPRIATION	$ 44,283,600
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of state police	1,800,000
9	IDG from department of corrections	1,050,000
10	IDG from state police - Michigan justice training fund	300,000
11	Federal revenues:	
12	DOJ, victims assistance programs	50,000
13	DOJ, drug court training and evaluation	300,000
14	DOT, national highway traffic safety administration ..	1,300,000
15	HHS, access and visitation grant	550,000
16	HHS, children's justice grant	206,300
17	HHS, court improvement project	1,160,000
18	HHS, title IV-D child support program	907,700
19	HHS, title IV-E foster care program	540,400
20	Other federal grant revenues	275,100
21	Special revenue funds:	
22	Local - user fees	6,342,700
23	Private	169,000
24	Private - interest on lawyers trust accounts	232,700
25	Private - state justice institute	370,800
26	Community dispute resolution fund	2,335,500
27	Law exam fees	536,200

1 Drug court fund..... 1,920,500
2 Miscellaneous revenue..... 227,900
3 Justice system fund..... 700,000
4 State court fund..... 339,000
5 State general fund/general purpose..... $ 22,669,800
6 **Sec. 103. COURT OF APPEALS**
7 Full-time equated exempted positions..... 190.0
8 Court of appeals operations--190.0 FTE positions..... $ 19,143,800
9 GROSS APPROPRIATION..... $ 19,143,800
10 Appropriated from:
11 Special revenue funds:
12 Court filing/motion fees..... 1,458,500
13 Miscellaneous revenue..... 77,800
14 State general fund/general purpose..... $ 17,607,500
15 **Sec. 104. BRANCHWIDE APPROPRIATIONS**
16 Full-time equated exempted positions..... 4.0
17 Branchwide appropriations--4.0 FTE positions..... $ 8,338,700
18 GROSS APPROPRIATION..... $ 8,338,700
19 Appropriated from:
20 State general fund/general purpose..... $ 8,338,700
21 **Sec. 105. JUSTICES' AND JUDGES' COMPENSATION**
22 Full-time judges positions 607.0
23 Supreme court justices' salaries--7.0 justices..... $ 1,152,300
24 Court of appeals judges' salaries--26.0 judges..... 3,937,400
25 District court judges' state base salaries--252.0
26 judges 23,321,900
27 District court judicial salary standardization..... 11,522,500

1 Probate court judges' state base salaries--103.0
2 judges 9,627,900
3 Probate court judicial salary standardization 4,669,700
4 Circuit court judges' state base salaries--219.0
5 judges 20,628,800
6 Circuit court judicial salary standardization 10,013,600
7 Judges' retirement system defined contributions 3,894,300
8 OASI, social security..... 5,511,000
9 GROSS APPROPRIATION..... $ 94,279,400
10 Appropriated from:
11 Special revenue funds:
12 Court fee fund..... 7,090,200
13 State general fund/general purpose ..... $ 87,189,200
14 **Sec. 106. JUDICIAL AGENCIES**
15 Full-time equated exempted positions..... 7.0
16 Judicial tenure commission--7.0 FTE positions ..... $ 961,500
17 GROSS APPROPRIATION..... $ 961,500
18 Appropriated from:
19 State general fund/general purpose ..... $ 961,500
20 **Sec. 107. INDIGENT DEFENSE - CRIMINAL**
21 Full-time equated exempted positions..... 47.0
22 Appellate public defender program--39.0 FTE positions $ 5,322,800
23 Appellate assigned counsel administration--8.0 FTE
24 positions 906,300
25 GROSS APPROPRIATION..... $ 6,229,100
26 Appropriated from:
27 Interdepartmental grant revenues:

1 IDG from state police - Michigan justice training fund 423,500
2 Federal revenues:
3 Other federal grant revenues 250,000
4 Special revenue funds:
5 Private - interest on lawyers trust accounts 70,000
6 Miscellaneous revenue 113,100
7 State general fund/general purpose ..... $ 5,372,500
8 **Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE**
9 Indigent civil legal assistance ..... $ 7,937,000
10 GROSS APPROPRIATION ..... $ 7,937,000
11 Appropriated from:
12 Special revenue funds:
13 State court fund 7,937,000
14 State general fund/general purpose ..... $ 0
15 **Sec. 109. TRIAL COURT OPERATIONS**
16 Court equity fund reimbursements ..... $ 60,835,100
17 Judicial technology improvement fund 4,815,000
18 GROSS APPROPRIATION ..... $ 65,650,100
19 Appropriated from:
20 Special revenue funds:
21 Court equity fund 50,440,000
22 Judicial technology improvement fund 4,815,000
23 State general fund/general purpose ..... $ 10,395,100
24 **Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL**
25 **GOVERNMENT**
26 Drug case-flow program ..... $ 250,000
27 Drunk driving case-flow program 3,300,000

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

9 PART 2

10 PROVISIONS CONCERNING APPROPRIATIONS

11 FOR FISCAL YEAR 2011-2012

12 **GENERAL SECTIONS**

13 Sec. 201. Pursuant to section 30 of article IX of the state
14 constitution of 1963, total state spending from state resources
15 under part 1 for fiscal year 2011-2012 is $240,675,000.00 and state
16 spending from state resources to be paid to local units of
17 government for fiscal year 2011-2012 is $119,875,600.00. The
18 itemized statement below identifies appropriations from which
19 spending to local units of government will occur:

20 JUDICIARY

21 SUPREME COURT

22	State court administrative office..... $	511,900
23	Drug treatment courts.....	6,833,000

24 TRIAL COURT OPERATIONS

25	Court equity fund reimbursements..... $	60,835,100

1 Judicial technology improvement fund.....		4,815,000
2 JUSTICES' AND JUDGES' COMPENSATION		
3 District court judicial salary standardization.....	$	11,522,500
4 Probate court judges' state base salaries.....		9,627,900
5 Probate court judicial salary standardization.....		4,669,700
6 Circuit court judicial salary standardization.....		10,013,600
7 Grant to OASI contribution fund, employers share,		
8 social security.....		896,900
9 GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT		
10 Drunk driving case-flow program.....	$	3,300,000
11 Drug case-flow program.....		250,000
12 Juror compensation reimbursement.....		6,600,000
13 TOTAL.....	$	119,875,600

14 Sec. 202. (1) The appropriations authorized under this act are
15 subject to the management and budget act, 1984 PA 431, MCL 18.1101
16 to 18.1594.
17 (2) Funds appropriated in part 1 to an entity within the
18 judicial branch shall not be expended or transferred to another
19 account without written approval of the authorized agent of the
20 judicial entity. If the authorized agent of the judicial entity
21 notifies the state budget director of its approval of an
22 expenditure or transfer, the state budget director shall
23 immediately make the expenditure or transfer. The authorized
24 judicial entity agent shall be designated by the chief justice of
25 the supreme court.
26 Sec. 203. As used in this act:
27 (a) "DOJ" means the United States department of justice.

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

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

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

(e) "IDG" means interdepartmental grant.

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

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

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

Sec. 212. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 214. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or

services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2012 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the chief justice or his

1 or her designee may grant an exception to allow the travel. Any
2 exceptions granted by the chief justice or his or her designee
3 shall be reported on a monthly basis to the senate and house of
4 representatives standing committees on appropriations.
5 (3) Not later than January 1 of each year, the state court
6 administrative office shall prepare a travel report listing all
7 travel by judicial branch employees outside this state in the
8 immediately preceding fiscal year that was funded in whole or in
9 part with funds appropriated in the budget for the judicial branch.
10 The report shall be submitted to the senate and house of
11 representatives standing committees on appropriations, the senate
12 and house fiscal agencies, and the state budget director. The
13 report shall include the following information:
14 (a) The name of each person receiving reimbursement for travel
15 outside this state or whose travel costs were paid by this state.
16 (b) The destination of each travel occurrence.
17 (c) The dates of each travel occurrence.
18 (d) A brief statement of the reason for each travel
19 occurrence.
20 (e) The transportation and related costs of each travel
21 occurrence, including the proportion funded with state general
22 fund/general purpose revenues, the proportion funded with state
23 restricted revenues, the proportion funded with federal revenues,
24 and the proportion funded with other revenues.
25 (f) A total of all out-of-state travel funded for the
26 immediately preceding fiscal year.
27 Sec. 219. Not later than November 15, 2012, the judiciary

shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

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

Sec. 222. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on the judiciary, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2011 and September 30, 2012.

JUDICIAL BRANCH

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

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

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

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

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

Sec. 309. By April 1, 2012, the state court administrative

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

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

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

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

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

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to operate drug treatment court programs. A drug treatment court shall be responsible for handling cases

1 involving substance abusing nonviolent offenders through
2 comprehensive supervision, testing, treatment services, and
3 immediate sanctions and incentives. A drug treatment court shall
4 use all available county and state personnel involved in the
5 disposition of cases including, but not limited to, parole and
6 probation agents, prosecuting attorneys, defense attorneys, and
7 community corrections providers. The funds may be used in
8 connection with other federal, state, and local funding sources.
9 (2) From the funds appropriated in part 1, the chief justice
10 shall allocate sufficient funds for the judicial institute to
11 provide in-state training for those identified in subsection (1),
12 including training for new drug treatment court judges.
13 (3) For drug treatment court grants, consideration for
14 priority may be given to those courts where higher instances of
15 substance abuse cases are filed.
16 (4) The judiciary shall receive $1,800,000.00 in Byrne formula
17 grant funding as an interdepartmental grant from the department of
18 state police to be used for expansion of drug treatment courts, to
19 assist in avoiding prison bed space growth for nonviolent offenders
20 in collaboration with the department of corrections.
21 (5) If United States department of transportation, national
22 highway traffic safety administration federal funding is awarded to
23 the judiciary for the support of drug treatment courts in an amount
24 that exceeds the amount appropriated in part 1, the judiciary may
25 receive and expend the funds in an amount not exceeding $450,000.00
26 above the amount appropriated in part 1 for the support of drug
27 treatment courts.

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

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

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

Sec. 320. (1) From the funds appropriated in part 1 for drug treatment courts, $1,000,000.00 shall be administered by the state court administrative office to distribute to qualifying counties to support a swift-and-sure sanctions pilot program. A qualifying county shall apply to the state court administrative office for a portion of the funds appropriated in part 1.

(2) A qualifying county that receives funding under this section shall provide a report on the pilot program to the state budget director, the senate and house appropriations subcommittees

on the judiciary, and the senate and house fiscal agencies. The report shall include all of the following:

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

(b) The criminal history of offenders who participate in the pilot program.

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

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

(3) As used in this section:

(a) "Pilot program" means a swift-and-sure sanctions pilot program.

(b) "Qualifying county" means a county that has both of the following:

(*i*) A drug treatment court.

(*ii*) A unified trial court system.

Sec. 321. It is the intent of the legislature that the judicial branch support a statewide legal self-help Internet website and local nonprofit self-help centers that use the statewide website to provide assistance to individuals representing themselves in civil legal proceedings.

Sec. 322. (1) If Byrne formula grant funding is awarded to the state appellate defender office for criminal defense review and training on evidence-based sentencing in problem-solving courts, the state appellate defender office may receive and expend Byrne

formula grant funds in an amount not exceeding $525,000.00 as an interdepartmental grant from the department of state police.

(2) If Byrne formula grant funding is awarded to the state appellate defender office for criminal defense review and representation of defendants in cases that involve potentially unreliable evidence processed by the now-closed Detroit police crime laboratory, the state appellate defender office may receive and expend Byrne formula grant funds in an amount not exceeding $225,000.00 as an interdepartmental grant from the department of state police.

PART 2A

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

FOR FISCAL YEAR 2012-2013

GENERAL SECTIONS

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2013 for the line items listed in part 1. The fiscal year 2012-2013 appropriations are anticipated to be the same as those for fiscal year 2011-2012, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2012 consensus revenue estimating conference.