

FY 2012-13: JUDICIARY
Summary: As Passed House Judiciary Subcommittee
House Bill 5375 (H-1) Draft 1



Analyst: Erik Jonasson

	FY 2011-12 YTD as of 2/9/12	FY 2012-13 Revised Executive	FY 2012-13 House	FY 2012-13 Senate	FY 2012-13 Enacted	Difference: House From FY 2011-12 YTD	
						Amount	%
IDG/IDT	\$3,602,700	\$2,638,200	\$2,638,200			(\$964,500)	(26.8)
Federal	5,694,800	6,017,100	6,017,100			322,300	5.7
Local	6,560,700	7,049,300	7,049,300			488,600	7.4
Private	869,700	921,800	921,800			52,100	6.0
Restricted	88,319,000	88,582,200	88,582,200			263,200	0.3
GF/GP	154,740,300	163,551,500	162,865,700			8,125,400	5.3
Gross	\$259,787,200	\$268,760,400	\$268,074,600			\$8,287,400	3.2
FTEs	491.0	472.0	472.0			(19.0)	(3.9)

Notes: (1) FY 2011-12 year-to-date (YTD) figures include mid-year budget adjustments through February 9, 2012, as well as adjustments for Other Post Employment Benefit prefunding under Senate Bill 683.
(2) Appropriation figures for all years include all proposed appropriation amounts, including both standard line items and appropriations designated as one-time.

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 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 House Change
1. Continuance and Expansion of Mental Health Courts	FTE	N/A	1.0
<u>Executive</u> proposes \$2.1 million GF/GP for funding and expansion of mental health courts, and one FTE to conduct mental health court evaluations. <u>House</u> reduces executive recommendation by \$50,000 GF/GP.	Gross	N/A	\$2,050,000
	GF/GP	N/A	\$2,050,000
2. Drug Court Funding Increase	Gross	N/A	\$1,173,000
<u>Executive</u> proposes an additional \$1.2 million for drug court funding. <u>House</u> reduces executive recommendation by \$77,000 GF/GP.	GF/GP	N/A	\$1,173,000
3. State Appellate Defender Office (SADO) Staff Increases	FTE	39.0	3.0
<u>Executive</u> adds funding of \$225,000 GF/GP for additional staff to assist in meeting the statutory requirement that SADO handle 25% of indigent appellate defense cases. <u>House</u> concurs.	Gross	\$5,322,800	\$225,000
	GF/GP	\$4,582,700	\$225,000
4. Additional Court Consolidation Staff	FTE	N/A	2.0
<u>Executive</u> adds funding of \$160,000 GF/GP for 2.0 FTEs at the State Court Administrative Office, to facilitate ongoing consolidation efforts, performance metrics, and operating efficiencies. <u>House</u> concurs.	Gross	N/A	\$160,000
	GF/GP	N/A	\$160,000
5. Reduced Funding for Eliminated Judgeships	Gross	\$94,279,400	(\$199,600)
<u>Executive</u> adjusts budget for statutory changes in the number of judgeships resulting from PA 300 of 2011. <u>House</u> concurs.	Restricted	7,090,200	0
	GF/GP	\$87,189,200	(\$199,600)
6. Funding for Court of Appeals Judges	Gross	N/A	\$342,600
<u>Executive</u> adds funding for two Court of Appeals judges. <u>House</u> concurs.	GF/GP	N/A	\$342,600

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 House Change
7. Across-the-Board GF/GP Reductions	Gross	N/A	(\$485,800)
<u>House</u> reduces GF/GP funding for the Supreme Court Administration, Judicial Institute, State Court Administrative Office, Judicial Information Systems, Foster Care Review Board, Community Dispute Resolution Program, and Court of Appeals Operations line items, reflecting an across-the-board reduction of 1% GF/GP from the Executive recommendation.	GF/GP	N/A	(\$485,800)
8. Court Equity Fund GF/GP Reduction	Gross	\$60,835,100	(\$100,000)
<u>House</u> reduces GF/GP funding for the Court Equity Fund by \$100,000.	Restricted	\$50,440,000	0
	GF/GP	\$10,395,100	(\$100,000)
9. Fund Shift for Swift-and-Sure Sanctions Program	Gross	\$1,000,000	\$0
<u>Executive</u> maintains funding at \$1.0 million, with GF/GP funds replacing an IDG from the Department of Corrections. Boilerplate adjustments expand grant eligibility criteria to courts with a concurrent jurisdiction plan. <u>House</u> concurs with funding amount, but retains boilerplate limiting eligible counties to those with unified trial courts.	IDG/IDT	1,000,000	(1,000,000)
	GF/GP	\$0	\$1,000,000
10. Economics Adjustments	Gross	N/A	\$4,272,800
<u>Executive</u> funds economics adjustments as follows for FY 2012-2013. <u>House</u> concurs.	IDG/IDT	N/A	29,700
	Federal	N/A	271,100
	Local	N/A	410,000
	Private	N/A	43,900
<ul style="list-style-type: none"> • Salaries, Wages, & OASI: \$949,400 Gross, \$753,500 GF/GP • Insurance: (\$313,500) Gross, (\$246,700) GF/GP • Retirement: \$3,768,300 Gross, \$2,924,400 GF/GP • Worker's Compensation: (\$85,600) Gross & GF/GP • Rent & Building Occupancy: (\$45,800) Gross & (\$49,300) GP/GP 	Restricted	N/A	221,800
	GF/GP	N/A	\$3,296,300
11. One-Time Appropriations	Gross	N/A	\$827,500
<u>Executive</u> proposes \$827,500 Gross (\$636,900 GF/GP) designated as a one-time appropriation (in boilerplate section 401). <u>House</u> concurs but appropriates in separate line item unit.	IDG/IDT	N/A	9,100
	Federal	N/A	51,200
	Local	N/A	78,600
	Private	N/A	8,200
	Restricted	N/A	43,200
	GF/GP	N/A	\$636,900
12. Anticipated FY 2013-14 Budget Changes			
Reflects anticipated increase from FY 2012-13 budget of \$1.6 million Gross (\$1.5 million GF/GP) for economic adjustments in FY 2013-14. (Boilerplate intent language only; would not be binding appropriation.)			

Major Boilerplate Changes From FY 2011-12

Sec. 215. Out-of-State Travel - REVISED

Requires the judiciary prepare a travel report listing all travel by judicial branch employees in the preceding fiscal year. Executive strikes current law, House strikes limitations on out-of-state travel, and reduces reporting requirement to the dates and costs of transportation for each travel occurrence.

Sec. 311. Drug Courts - REVISED

Specifies criteria for drug court grants; provides \$1.8 million IDG of Byrne grant revenue for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders. Executive removes subsection authorizing judiciary to receive and expend funds from U.S. Department of Transportation in an amount not to exceed \$450,000 for drug treatment courts. House concurs.

Sec. 320. Swift-and-Sure Sanctions Pilot Program - REVISED

Authorizes \$1.0 million GF/GP appropriated in part 1 to be expended for swift-and-sure sanction program. Executive alters the definition of "qualifying county" is expanded to include counties with a drug treatment court and concurrent jurisdiction plan. House keeps current year definition of "qualifying county," adds a definition for the term "unified trial court."

Sec. 322. State Appellate Defender Office Byrne Formula Grant - REVISED

Executive provides that, if Byrne formula grant funding is awarded to the State Appellate Defender Office (SADO), SADO may receive and expend funding not exceeding \$250,000 as an IDG from the Department of State Police. House concurs.

Sec. 1201. Anticipated FY 2013-14 Appropriations

States legislative intent to provide appropriations for FY 2013-14, adjusting FY 2012-13 amounts based on economic and other factors. (See item 12 under Major Budget Changes for specific anticipated appropriation adjustments.)