

LINE ITEM AND BOILERPLATE SUMMARY

JUDICIARY

Fiscal Year 2020-21
Public Act 66 of 2020
House Bill 5396 as Enacted



Robin R. Risko, Associate Director

November 2020

**HOUSE FISCAL AGENCY
GOVERNING COMMITTEE**

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Lee Chatfield

Triston Cole

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November 2020

TO: Members of the Michigan House of Representatives

The House Fiscal Agency has prepared a **Line Item Summary** for each of the FY 2020-21 appropriation acts. Each **Summary** contains line-by-line appropriation and revenue source detail, and a brief explanation of each boilerplate section in the appropriation bill.

In this report, line item vetoes are presented in the following manner: appropriation amounts shown in ~~strikeout~~ are those that appear in the enrolled bill; amounts shown directly below ~~strikeout~~ amounts reflect the effect of the veto.

Line Item Summaries are available on the HFA website (www.house.mi.gov/hfa), or from Kathryn Bateson, Administrative Assistant (373-8080 or kbateson@house.mi.gov).

A handwritten signature in black ink that reads "Mary Ann Cleary".

Mary Ann Cleary, Director

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GLOSSARY

STATE BUDGET TERMS

Line Item

Specific funding amount in an appropriation bill which establishes spending authorization for a particular program or function.

Boilerplate

Specific language sections in an appropriation bill which direct, limit, or restrict line-item expenditures, express legislative intent, and/or require reports.

Lapse

Appropriated amounts that are unspent or unobligated at the end of a fiscal year; appropriations are automatically terminated at the end of a fiscal year unless otherwise provided by law.

Work Project

Account authorized through statutory process which allows appropriated spending authorization from one fiscal year to be utilized for expenditures in a succeeding fiscal year or years for a specific project or purpose.

APPROPRIATIONS AND FUND SOURCES

Appropriations

Authority to expend funds for a particular purpose. An appropriation is not a mandate to spend.

Gross: Total of all applicable appropriations in an appropriation bill.

Adjusted Gross: Net amount of gross appropriations after subtracting interdepartmental grants (IDGs) and intradepartmental transfers (IDTs).

Interdepartmental Grant (IDG) Revenue

Funds received by one state department from another state department—usually for service(s) provided.

Intradepartmental Transfer (IDT) Revenue

Funds transferred from one appropriation unit to another within the same departmental budget.

Federal Revenue

Federal grant or match revenue; generally dedicated to specific programs or purposes.

Local Revenue

Revenue received from local units of government for state services.

Private Revenue

Revenue from non-government entities: rents, royalties or interest payments, payments from hospitals or individuals, or gifts and bequests.

State Restricted Revenue

State revenue restricted by the State Constitution, state statute, or outside restriction that is available only for specified purposes; includes most fee revenue; at year-end, unused restricted revenue generally remains in the restricted fund.

General Fund/General Purpose (GF/GP) Revenue

Unrestricted general fund revenue available to fund basic state programs and other purposes determined by the legislature; unused GF/GP revenue lapses to the General Fund at the end of a fiscal year.

MAJOR STATE FUNDS

General Fund

The state's primary operating fund; receives state revenue not dedicated to another state fund.

School Aid Fund (SAF)

A restricted fund that serves as the primary state funding source for K-12 schools and Intermediate School Districts. Constitutionally, SAF revenue may also be used for postsecondary education.

Budget Stabilization Fund

The Countercyclical Economic and Budget Stabilization Fund (also known as the "rainy day fund"); the Management and Budget Act provides guidelines for making deposits into and withdrawals from the fund.

JUDICIARY

Article VI, Section 1 of the Constitution of the State of Michigan of 1963 forms the basis for Michigan's judicial branch of government. The Constitution provides that "the judicial power of the state is vested exclusively in one court of justice which shall be divided into the supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by two-thirds vote of the members elected to and serving in each house." The Judiciary budget provides funding for judicial salaries and for operation of trial courts and other judicial-related entities.

Full-time equated exempted positions	513.0	Full-time equated (FTE) positions not in the state classified service. <i>Note: based on 2,088 hours for 1.0 FTE position.</i>
Full-time judges and justices	587.0	Full-time justices and judges.
GROSS APPROPRIATION	\$313,641,200	Total of all applicable line item appropriations.
Total interdepartmental grant/intradepartmental transfer revenue	1,552,800	Revenue received from other departments or transferred within the department.
ADJUSTED GROSS APPROPRIATION	\$312,088,400	Gross appropriation less (or minus) interdepartmental grant (IDG) or intradepartmental transfer (IDT) revenue.
Total federal revenue	6,393,500	Revenue received from federal departments and agencies.
Total local revenue	7,654,500	Revenue received from local units of government.
Total private revenue	1,228,500	Revenue received from private individuals and entities.
Total other state restricted revenue	94,877,600	State revenue dedicated to a specific fund (other than the General Fund) or restricted for a specific purpose.
STATE GENERAL FUND/ GENERAL PURPOSE	\$201,934,300	Unrestricted state revenue from taxes and other sources.

SECTION 102: SUPREME COURT

The 7-justice Michigan Supreme Court is Michigan's court of last resort with final authority over all state courts. It exercises a discretionary authority to hear appeals brought from lower courts, granting leave to appeal in cases that the court determines to be sufficiently complex or important.

The Constitution of the State of Michigan charges the Supreme Court with "general superintending control" over all courts, making it responsible for general administrative supervision of the lower courts and requiring it to establish rules for practice and procedure in all courts. The Supreme Court monitors court workloads, provides guidance and assistance to courts, promulgates court rules and rules of evidence to ensure due process of law, and meets regularly with representatives of the bench, the bar, and the public.

Full-time equated exempted positions	250.0	Full-time equated (FTE) positions not in the state classified service.
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Community dispute resolution – 3.0 FTE positions	\$3,370,200	Provides staff support and grants to local community dispute resolution centers established under 1988 PA 260 to provide mediation and other forms of voluntary dispute resolution as an alternative to the judicial process.
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Funding Source(s):	Private	85,000
	Restricted	2,405,400
	GF/GP	879,800

Related Boilerplate Section(s): 202, 215, 305, 317

Direct trial court automation support – 44.0 FTE positions	7,654,500	Provides consulting services and assists trial courts and judicial administrative agencies on development and utilization of automation technology. Provides and supports customized trial court case management software for circuit, district, probate, and juvenile courts, network communications, and courtroom videoconferencing. Supports automated reporting of trial court data to various state agencies.
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Funding Source(s):	Local	7,654,500
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Related Boilerplate Section(s): 202, 215, 301, 317

Drug treatment courts	12,083,000	Grant funding for drug treatment courts, driving while intoxicated (DWI) /sobriety courts, WebGrants online grant management system, and Michigan Drug Court Case Management Information System. Drug treatment courts operate to reduce criminal activity and to rehabilitate offenders diagnosed with substance use disorders through a combination of therapeutic services and judicial supervision. Programs offer an alternative to imprisonment for non-violent criminal offenders. Currently, there are 134 drug treatment/DWI sobriety courts operating in the state - 56 hybrid drug treatment/DWI sobriety courts, 36 DWI sobriety courts, 13 adult and 12 juvenile drug treatment courts, 8 family dependency courts, and 9 tribal drug treatment/DWI sobriety courts.
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Funding Source(s):	IDG	1,500,000
	Federal	2,145,000
	Restricted	1,920,500
	GF/GP	6,517,500

Related Boilerplate Section(s): 202, 309, 311, 324

Foster care review board – 10.0 FTE positions	1,365,500	Provides staff support for Citizen’s Foster Care Review Board program, established by the legislature in 1984 PA 422; citizen review boards review individual abuse/neglect cases within the foster care system to assist the courts and children’s services agencies in assuring prompt and permanent child placement. There are 12 regional review boards throughout the state.
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Funding Source(s):	Federal	410,300
	GF/GP	955,200

Related Boilerplate Section(s): 202, 215, 317

Judicial information systems – 24.0 FTE positions	4,845,800	Develops, implements, and maintains automated information systems and office automation support systems for all Supreme Court agencies, including maintenance of a telecommunication network for state judicial agencies; installs and maintains videoconferencing equipment in all trial court locations for virtual transport of prisoners, expert testimony, and other routine hearings to enhance security and improve efficiency.
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Funding Source(s):	IDG	52,800
	Federal	233,000
	GF/GP	4,560,000

Related Boilerplate Section(s): 202, 211, 213, 215, 304, 317, 321

Judicial institute – 13.0 FTE positions	2,026,900	Provides continuing education and training to judges and court personnel through on-site classes, web-based instruction, and publications; programs are free to eligible participants. Updates and publishes bench books used by judges and court staff. Operates the Learning Center in the Hall of Justice, which introduces children and adults to the Michigan court system.
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Funding Source(s):	Federal	223,300
	Private	64,600
	GF/GP	1,739,000

Related Boilerplate Section(s): 202, 215, 311, 317

Mental health courts and diversion services – 1.0 FTE position	5,472,500	Targets offenders who have been diagnosed with serious mental illnesses, serious emotional disturbances, or developmental disabilities, as defined in the mental health code. The severe nature of the mental illnesses or functional impairments must necessitate intensive clinical services. Mental health courts offer offenders opportunities to participate in court-based treatment programs to address their mental illnesses instead of sentencing them to lengthy jail or prison terms. Includes intense judicial oversight, treatment through local community mental health service providers, drug testing when appropriate, referrals to community services, enrollment in educational classes and certificate programs, transportation assistance, and assistance with obtaining employment. Currently, there are 32 adult and 6 juvenile mental health courts operating in the state.
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Funding Source(s):	GF/GP	5,472,500
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Related Boilerplate Section(s): 202, 215, 307, 317, 403

Next generation Michigan court system	4,116,000	Funding to develop, implement, and maintain MiCourt Case Management Platform at 252 court locations. Platform provides trial courts with recordkeeping, case-flow management, financial management, and reporting, along with features such as case search, SMS reminders, court docket displays, and other items. Platform allows for future technology needs to be added without rewriting core system.
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Funding Source(s):	GF/GP	4,116,000
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Related Boilerplate Section(s): 202

Other federal grants	275,100	Authorization to receive various federal grant revenues, when made available, for projects such as training programs, evaluations, and bench book development and updating.	Funding Source(s): Federal 275,100
<i>Related Boilerplate Section(s): 202</i>			
State court administrative office – 63.0 FTE positions	11,390,000	State Court Administrative Office (SCAO) provides administrative oversight of and technical assistance to trial court judges and staff; analyzes legislative and executive proposals for impact on the judicial branch; collects and evaluates data on trial court operations, including operations of problem-solving courts; recommends necessary changes in judicial resources, whether through temporary reassignment of judges or increases or decreases in numbers of judgeships; develops and implements trial court performance measures. SCAO currently is developing and rolling out a statewide e-filing and document management system.	Funding Source(s): Federal 2,533,700 Private 990,000 Restricted 1,135,500 GF/GP 6,730,800
<i>Related Boilerplate Section(s): 202, 204, 205, 207, 209, 211, 212, 213, 215, 218, 219, 301, 302, 303, 308, 309, 311, 312, 316, 317, 320, 321, 324, 403</i>			
Supreme court administration – 92.0 FTE positions	14,258,300	Supports Supreme Court operations and related administrative functions, including Supreme Court Counsel, Clerk of the Court, Crier's Office, Court Reporter, Board of Law Examiners, and offices of public information, finance, and human resources.	Funding Source(s): Restricted 804,600 GF/GP 13,453,700
<i>Related Boilerplate Section(s): 202, 204, 205, 211, 212, 213, 215, 219, 302, 317</i>			
Swift and sure sanctions program	3,350,000	Funding for a high-intensity supervision program designed to serve as an alternative to traditional probation, providing close monitoring and swift sanctions in the event of probation violations. Program focuses on high-risk, felony offenders. Currently, there are 24 circuit courts receiving grant funding under the program.	Funding Source(s): Restricted 1,537,600 GF/GP 1,812,400
<i>Related Boilerplate Section(s): 202, 218, 320</i>			
Veterans courts	936,400	Veterans treatment courts help to address particular needs of military veterans who become involved with the court system. Veterans treatment courts use a hybrid integration of drug treatment court and mental health court principles. They promote sobriety, recovery, and stability through a coordinated response that involves collaboration with the United States Department of Veterans Affairs. Currently, there are 27 veterans treatment courts operating in the state.	Funding Source(s): GF/GP 936,400
<i>Related Boilerplate Section(s): 202, 309, 403</i>			
GROSS APPROPRIATION	\$71,144,200	Total of all applicable line item appropriations.	
IDG from department of corrections	52,800	User fees paid for Judicial Data Warehouse. Supports Judicial Information Systems line item.	

IDG from department of state police	1,500,000	Revenue from Byrne formula grant funding. Supports expansion of drug treatment courts (Drug Treatment Courts line item).
DOJ, drug court training and evaluation	300,000	Authorization to receive grant funding from U.S. Department of Justice. Supports Drug Treatment Courts line item.
DOT, National Highway Traffic Safety Administration	1,951,300	Grants for training programs that focus on repeat and first-time drunk driving offenders and development of automated systems for collection, maintenance, and sharing of traffic safety data. Supports Judicial Institute line item (\$123,300), Drug Treatment Courts line item (\$1,595,000), and Judicial Information Systems line item (\$233,000).
HHS, access and visitation grant	498,700	Used for programs that facilitate non-custodial parents' access to their children. Supports SCAO line item.
HHS, children's justice grant	247,400	Used to implement judicial, attorney, and field worker trainings targeted at child welfare system improvement. Trainings are based on court improvement program committee findings and developed collaboratively with various stakeholder community agencies, Governor's Task Force on Child Abuse and Neglect, and Department of Health and Human Services. Supports SCAO line item.
HHS, court improvement project	947,300	Ongoing federal grant used for improvement in court processing of child protective proceedings. Supports SCAO line item.
HHS, state opioid response grant	350,000	Used to increase access to medication-assisted treatment for opioid use disorder, reduce unmet treatment need, and reduce opioid overdose-related deaths through the provision of prevention, treatment and recovery activities for opioid use disorder and stimulant misuse and use disorders. Supports Drug Treatment Courts line item (\$250,000) and Judicial Institute line item (\$100,000).
HHS, title IV-D child support program	840,300	Supports Friend of the Court Bureau within SCAO line item.
HHS, title IV-E foster care program	410,300	Foster care/adoption assistance grants made available to Foster Care Review Board from U.S. Department of Health and Human Services. Supports Foster Care Review Board line item.
Other federal grant revenues	275,100	Authorization to receive other federal grant revenue that may become available. Supports Other Federal Grants line item.
Local – user fees	7,654,500	Fees assessed on case management software provided to local courts. Supports Direct Trial Court Automation Support line item.
Private	202,300	Authorization to receive grants that may become available from private organizations. Supports SCAO line item.
Private – interest on lawyers trust accounts	405,900	Revenue derived from pooled interest-bearing accounts into which attorneys deposit certain short-term trust funds; distributed by State Bar Foundation under Supreme Court rule. Used for legal services for the poor and improvements in administration of justice. Supports SCAO line item.
Private – state justice institute	531,400	Grant funding received from State Justice Institute, a non-profit corporation established by Congress to award grants to improve quality of justice in state courts. Supports SCAO line item (\$381,800), Judicial Institute line item (\$64,600), and Community Dispute Resolution line item (\$85,000).

Community dispute resolution fund	2,405,400	Revenue derived from civil filing fees that are deposited in Civil Filing Fee Fund and disbursed to Community Dispute Resolution Program to be used for mediation, conciliation, and other forms of voluntary dispute resolution services as an alternative to judicial process. Revenue distributed to community dispute resolution centers as grant funding by SCAO. Supports Community Dispute Resolution line item.
Court of appeals filing/motion fees	1,450,000	Revenue generated by statutorily set motion and filing fees for the Court of Appeals. Supports Swift and Sure Sanctions Program line item.
Drug court fund	1,920,500	Revenue derived from civil infraction assessments and statutory state costs in criminal cases that are deposited into Justice System Fund and disbursed to Drug Court Fund under statutory allocation formula. Supports Drug Treatment Courts line item.
Justice system fund	608,700	Revenue earmarked from Justice System Fund (0.98% of funds available) for oversight and monitoring of fund collections and distributions by SCAO. Supports SCAO line item.
Law exam fees	763,500	Fees collected by Board of Law Examiners from applicants for admission to the bar. Fees to be used for compensating board members and for administering Michigan Bar Exam. Supports Supreme Court Administration line item.
Miscellaneous revenue	249,600	Authorization to receive revenue that may become available from miscellaneous functions, such as sale of publications and court reporter certification fees. Supports Supreme Court Administration line item (\$41,100), SCAO line item (\$120,900), and Swift and Sure Sanctions Program line item (\$87,600).
State court fund	405,900	Revenue directed to SCAO administrative costs from funding allocated to State Court Fund from Civil Filing Fee Fund, Justice System Fund, and Friend of the Court service fees. Supports SCAO line item.
STATE GENERAL FUND/ GENERAL PURPOSE	\$47,173,300	Unrestricted state revenue from taxes and other sources.

SECTION 103: COURT OF APPEALS

Article VI, Section 1 of the Constitution of the State of Michigan provides for the Michigan Court of Appeals, with jurisdiction provided by law, and practice and procedure prescribed by Supreme Court rule. The Court of Appeals is an "intermediate" appellate court between state trial courts and the Supreme Court. There are 25 judges nominated and elected at nonpartisan elections. The court hears civil and criminal cases. Three-judge panels hear cases in Lansing, Detroit, Grand Rapids, and Marquette. Panels are rotated with an aim to counteract regional variance and to promote statewide uniformity in rulings.

When circumstances require, the Supreme Court may assign additional judges to increase the number of panels available. The procedure for hearing cases is similar to that followed by the Supreme Court. The decision of a panel of the Court of Appeals is final except in those cases where the decision is reviewed by the Supreme Court.

Full-time equated exempted positions	175.0	Full-time equated (FTE) positions not in the state classified service.
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Court of appeals operations – 175.0 FTE positions	\$25,252,500	Funds operational and staff costs, including those of judges' offices, clerk's office, research division, information systems department, finance office, and security department.
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Funding Source(s): GF/GP 25,252,500

Related Boilerplate Section(s): 202, 204, 205, 211, 212, 213, 215, 219, 302, 303, 317

GROSS APPROPRIATION	\$25,252,500	Total of all applicable line item appropriations.
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STATE GENERAL FUND/ GENERAL PURPOSE	\$25,252,500	Unrestricted state revenue from taxes and other sources.
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SECTION 104: BRANCHWIDE APPROPRIATIONS

This appropriation unit provides funding for rent, security, and worker's compensation costs.

Full-time equated exempted positions	4.0	Full-time equated (FTE) positions not in the state classified service.
Branchwide appropriations – 4.0 FTE positions	\$8,767,800	Funds a variety of operational costs pertaining to the judicial branch as a whole: private rent and building occupancy charges for the Michigan Supreme Court, State Court Administrative Office, and Court of Appeals; worker's compensation; security for the Hall of Justice.
		Funding Source(s): GF/GP 8,767,800
		<i>Related Boilerplate Section(s): 202, 205, 215, 317</i>
GROSS APPROPRIATION	\$8,767,800	Total of all applicable line item appropriations.
STATE GENERAL FUND/ GENERAL PURPOSE	\$8,767,800	Unrestricted state revenue from taxes and other sources.

SECTION 105: JUSTICES' AND JUDGES' COMPENSATION

The State Officers Compensation Commission (SOCC) determines Supreme Court Justices' salaries, which currently stand at \$164,610. All other judges' salaries are determined by statute, the Revised Judicature Act of 1961, 1961 PA 236. For FY 2020-21, the salary for a judge of the Court of Appeals is \$168,023; the salary for a circuit or probate court judge is \$155,239; and the salary for a district court judge is \$153,412.

District and circuit court judges' salaries are paid by the state in two stages. The first is the largest portion, or state portion, in which a warrant is provided by the state directly to the judge. The remaining portion of the salary is paid by the court funding unit, which is then reimbursed for the entire amount by the state.

Probate court judges' salaries are paid by local funding units, which are then reimbursed by the state. Reimbursements for part-time probate court judges, however, are limited to \$25,750 each.

Full-time judges and justices	587.0	Full-time justices and judges.		
Supreme court justices' salaries – 7.0 justices	\$1,210,400	Funding for justices' salaries; justices' health care and life insurance benefits funded from Supreme Court Administration line item.		
			Funding Source(s):	GF/GP 1,210,400
			<i>Related Boilerplate Section(s): 202, 308, 317</i>	
Circuit court judges' state base salaries – 217.0 judges	23,761,500	State salary share paid by the state directly to circuit court judges.		
			Funding Source(s):	Restricted 1,567,000 GF/GP 22,194,500
			<i>Related Boilerplate Section(s): 202, 308, 317</i>	
Circuit court judicial salary standardization	9,922,100	Local salary share paid to circuit court judges, reimbursed by the state.		
			Funding Source(s):	Restricted 696,100 GF/GP 9,226,000
			<i>Related Boilerplate Section(s): 202, 308</i>	
Court of appeals judges' salaries – 25.0 judges	4,200,200	Funding for appeals judges' salaries; appeals judges' health care and life insurance benefits funded from Court of Appeals Operations line item.		
			Funding Source(s):	GF/GP 4,200,200
			<i>Related Boilerplate Section(s): 202, 308, 317</i>	
District court judges' state base salaries – 235.0 judges	25,303,300	State salary share paid by the state directly to district court judges.		
			Funding Source(s):	GF/GP 25,303,300
			<i>Related Boilerplate Section(s): 202, 308, 317</i>	
District court judicial salary standardization	10,745,200	Local salary share paid to district court judges, reimbursed by the state.		
			Funding Source(s):	GF/GP 10,745,200
			<i>Related Boilerplate Section(s): 202, 308</i>	

Probate court judges' state base salaries – 103.0 judges	11,189,800	State salary share, which the state reimburses at 100%, paid to probate court judges.	Funding Source(s):	Restricted	738,100
				GF/GP	10,451,700
<i>Related Boilerplate Section(s): 202, 308, 317</i>					
Probate court judicial salary standardization	4,669,600	Local salary share paid to probate court judges, reimbursed by the state.	Funding Source(s):	Restricted	328,200
				GF/GP	4,341,400
<i>Related Boilerplate Section(s): 202, 308</i>					
Judges' retirement system defined contributions	5,173,200	Employer's share of retirement costs for judges who participate in defined contribution retirement plan.	Funding Source(s):	GF/GP	5,173,200
<i>Related Boilerplate Section(s): 202, 308</i>					
OASI, Social Security	6,494,300	Employer's share of social security.	Funding Source(s):	GF/GP	6,494,300
<i>Related Boilerplate Section(s): 202, 308</i>					
GROSS APPROPRIATION	\$102,669,600	Total of all applicable line item appropriations.			
Court fee fund	3,329,400	By statute, Court Fee Fund consists of court fee revenue that is in excess of amount required to meet actuarial needs of judicial retirement system. Court Fee Fund supports judicial salaries and Court Equity Fund.			
STATE GENERAL FUND/ GENERAL PURPOSE	\$99,340,200	Unrestricted state revenue from taxes and other sources.			

SECTION 106: JUDICIAL AGENCIES

This appropriation unit provides funding for the 9-member Judicial Tenure Commission, which was established by Article VI, Section 30 of the Constitution of the State of Michigan. The commission serves to promote the integrity of the judicial process and to preserve public confidence in the courts by holding judges accountable for their misconduct without jeopardizing or compromising the essential independence of the judiciary. The commission consists of 4 judges elected by the judges of the state's courts, 3 members elected by the State Bar of Michigan, and 2 members appointed by the Governor.

Full-time equated exempted positions	7.0	Full-time equated (FTE) positions not in the state classified service.
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Judicial tenure commission – 7.0 FTE positions	\$1,408,700	Investigates complaints against judges, and, where appropriate, recommends disciplinary action by Supreme Court; small permanent staff provides administrative and investigative support; temporary special investigators are employed as needed.
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Funding Source(s): GF/GP 1,408,700

Related Boilerplate Section(s): 202, 215, 317

GROSS APPROPRIATION	\$1,408,700	Total of all applicable line item appropriations.
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STATE GENERAL FUND/ GENERAL PURPOSE	\$1,408,700	Unrestricted state revenue from taxes and other sources.
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SECTION 107: INDIGENT DEFENSE - CRIMINAL

This appropriation unit provides funding for the State Appellate Defender Office and the Michigan Appellate Assigned Counsel System, operated under the authority of the State Appellate Defender Commission, which was established within the State Court Administrative Office pursuant to 1978 PA 620.

Full-time equated exempted positions	56.0	Full-time equated (FTE) positions not in the state classified service.
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Appellate public defender program – 56.0 FTE positions	\$8,644,400	State appellate defender office (SADO) represents convicted indigent defendants on appeal and provides support services and training to criminal defense attorneys. Training services include a website which provides assigned counsel with manuals, pleadings, databases, training videos, and tools needed to provide effective defense representation. SADO manages the Michigan Appellate Assigned Counsel System (MAACS), which administers the assignment of all indigent appeals from felony convictions in the trial courts and maintains a statewide roster of attorneys eligible for and willing to accept appointment as criminal appellate defense counsel for indigents. MAACS also monitors attorney compliance with Minimum Standards for Indigent Criminal Appellate Defense Services and provides continuing legal education training programs to attorneys on the statewide roster.
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Funding Source(s):	Federal	573,100
	Private	88,900
	Restricted	173,100
	GF/GP	7,809,300

Related Boilerplate Section(s): 202, 204, 205, 207, 211, 212, 213, 215, 219, 317, 322, 402

GROSS APPROPRIATION	\$8,644,400	Total of all applicable line item appropriations.
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Other federal grant revenues	573,100	Authorization to receive other federal grant revenues that may become available.
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Private – interest on lawyers trust accounts	88,900	Revenue derived from pooled interest-bearing accounts into which attorneys deposit certain short-term trust funds; distributed by State Bar Foundation under Supreme Court rule. Used for legal services for the poor and improvements in administration of justice.
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Miscellaneous revenue	173,100	Authorization to receive revenue that may become available from miscellaneous functions, such as sale of publications.
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STATE GENERAL FUND/ GENERAL PURPOSE	\$7,809,300	Unrestricted state revenue from taxes and other sources.
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SECTION 108: INDIGENT CIVIL LEGAL ASSISTANCE

This appropriation unit provides funding for legal aid programs that provide legal assistance to indigent people involved in civil litigation.

Indigent civil legal assistance	\$7,937,000	Represents 23% of the State Court Fund that statute allocates to indigent civil legal assistance programs; distributed by Michigan State Bar Foundation to providers of indigent legal services.
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Funding Source(s): Restricted 7,937,000

Related Boilerplate Section(s): 202

GROSS APPROPRIATION	\$7,937,000	Total of all applicable line item appropriations.
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State court fund	7,937,000	State Court Fund receives statutory allocations from Justice System Fund (revenue from civil infraction assessments and statutory state costs in criminal cases) and Civil Filing Fee Fund (revenue from filing fees in civil cases). State Court Fund supports indigent civil legal assistance and Court Equity Fund.
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STATE GENERAL FUND/ GENERAL PURPOSE	\$0	Unrestricted state revenue from taxes and other sources.
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SECTION 109: TRIAL COURT OPERATIONS

This appropriation unit provides funding for various grant programs and reimbursements in support of trial courts. Primary among these is the Court Equity Fund Reimbursements program.

Full-time equated exempted positions	13.0	Full-time equated (FTE) positions not in the state classified service.
Court equity fund reimbursements	\$60,815,700	Court equity grant program assists counties with trial court operational expenses. Funding from Court Equity Fund is combined with GF/GP and distributed to counties quarterly under a statutory formula that recognizes circuit and probate court caseload activity and number of judgeships allocated to each county. <p style="text-align: right;">Funding Source(s): Restricted 50,440,000 GF/GP 10,375,700</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202</i></p>
Drug case-flow program	250,000	Assists trial courts with complying with requirements for timely management and reporting to the Secretary of State of information related to specific drug cases. Fees collected from certain drug-related offenses are distributed to trial courts by formula by SCAO. <p style="text-align: right;">Funding Source(s): Restricted 250,000</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202</i></p>
Drunk driving case-flow program	3,300,000	Assists trial courts with timely disposition of cases in which defendants are charged with qualifying drunk driving offenses under either state statute or local ordinance. Fees from certain drunk driving offenses are distributed to trial courts by formula by SCAO. <p style="text-align: right;">Funding Source(s): Restricted 3,300,000</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202</i></p>
Judicial technology improvement fund	4,815,000	Funds ongoing support for an integrated statewide judicial information system and other technology innovations that will result in enhanced public service and access to local trial courts. Funded wholly through Judicial Technology Improvement Fund. <p style="text-align: right;">Funding Source(s): Restricted 4,815,000</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202</i></p>
Juror compensation reimbursement – 1.0 FTE position	6,608,900	Assists trial courts with increased costs of juror compensation following statutory increases in minimum compensation that took effect October 1, 2003. <p style="text-align: right;">Funding Source(s): Restricted 6,608,900</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202, 215, 317</i></p>
Statewide e-file system – 12.0 FTE positions	10,220,600	Authorization to receive electronic filing fee revenue to support implementation, operation, and maintenance of the statewide electronic filing system. The system is used for initiating original actions and appeals; filing motions, briefs, and other materials in existing cases; serving all filings on opposing parties; making fee payments; and requesting fee waivers. <p style="text-align: right;">Funding Source(s): Restricted 10,220,600</p> <p style="text-align: center;"><i>Related Boilerplate Section(s): 202, 215, 317</i></p>

GROSS APPROPRIATION	\$86,010,200	Total of all applicable line item appropriations.
Court equity fund	50,440,000	Revenue derived from various statutory court fees and costs; receives statutory allocations from 4 funds: Justice System Fund, Civil Filing Fee Fund, Court Fee Fund, and State Court Fund.
Drug fund	250,000	Created by 1993 PA 359; promotes timely disposition of drug offenses. Funding is disbursed to district, probate, and circuit courts annually using a caseload-based formula.
Drunk driving fund	3,300,000	Created by 1991 PA 91; promotes timely disposition of drunk driving offenses. Funding is disbursed to district and municipal courts annually using a caseload-based formula.
Electronic filing fee fund	10,220,600	Created by 2015 PA 234; statutorily set fees paid by parties filing civil actions.
Judicial technology improvement fund	4,815,000	Judicial Technology Improvement Fund receives statutory allocations from Civil Filing Fee Fund, which is supported by filing fees imposed in civil cases.
Juror compensation fund	6,608,900	Created by 2002 PA 740; revenue from driver's license clearance fee and jury demand fee earmarks.
STATE GENERAL FUND/ GENERAL PURPOSE	\$10,375,700	Unrestricted state revenue from taxes and other sources.

SECTION 110: ONE-TIME APPROPRIATIONS

This appropriation unit contains FY 2020-21 appropriations which are intended by the legislature to be one-time allocations that may not be reauthorized in future years.

Full-time equated exempted positions	8.0	Full-time equated (FTE) positions not in the state classified service.
Compliance with <i>Montgomery v Louisiana</i> – 7.0 FTE positions	\$881,100	Funding for SADO to ensure compliance with court ruling by providing post-conviction representation of juvenile lifers in resentencings. Funding Source(s): GF/GP 881,100 <i>Related Boilerplate Section(s): 202, 215, 317, 402</i>
Expansion of problem-solving courts	600,000	Funding to expand the number of participating courts and to increase the number of court participants. Of the \$600,000, \$100,000 is earmarked for a saliva testing pilot project in veterans and/or mental health treatment courts that investigates effectiveness of oral fluid testing to determine compliance with required mental health medicine prescriptions or requirements. Funding Source(s): GF/GP 600,000 <i>Related Boilerplate Section(s): 202, 309, 311, 403</i>
Pretrial risk assessment – 1.0 FTE position	325,700	Funding for evaluation and continued improvement of pretrial risk assessment tool pilot program that relies on evidence-based decisions to maximize court appearance and public safety. Funding Source(s): GF/GP 325,700 <i>Related Boilerplate Section(s): 202, 215, 316, 317</i>
GROSS APPROPRIATION	\$1,806,800	Total of all applicable line item appropriations.
STATE GENERAL FUND/ GENERAL PURPOSE	\$1,806,800	Unrestricted state revenue from taxes and other sources.

BOILERPLATE SECTION INFORMATION

A specific listing of boilerplate sections deemed unenforceable was not provided. Rather, the governor's signing letter generally stated that sections violating the following provisions of the Michigan Constitution are unenforceable:

- Article 3, Section 2: Separation of Powers of Government
- Article 4, Section 22 and Article 4, Section 33: An attempt to authorize legislation other than by bill
- Article 4, Section 24: No law shall embrace more than one object, which shall be expressed in its title
- Article 4, Section 25: Amendment by reference
- Article 4, Section 53: Duties of the Auditor General
- Article 5, Section 28: Duties of the State Transportation Commission

Where a specific section was provided as an example in the signing letter, it is noted in the boilerplate section description below. This document will be updated upon the receipt of a more comprehensive list of unenforceable boilerplate sections.

Sec. 201. State Spending and State Appropriations Paid to Local Units of Government

Estimates total state spending from state sources and payments to be made to local units of government.

Sec. 202. Appropriations Subject to the Management and Budget Act and Transfer Authority

Subjects appropriations to Management and Budget Act, 1984 PA 431; specifies appropriations transfer process for entities in judicial branch.

Sec. 203. Terms and Acronyms

Defines various terms and acronyms contained in appropriations act.

Sec. 204. Internet Availability of Required Reports

Requires judicial branch to use internet to fulfill reporting requirements; authorizes transmission of reports via e-mail.

Sec. 205. Purchase of Foreign Goods

Prohibits purchase of foreign goods or services if competitively priced and of comparable quality American goods or services are available; requires preference to be given to goods and services manufactured or provided by Michigan businesses and Michigan businesses owned and operated by veterans.

Sec. 207. Out-of-State Travel

Requires SCAO to report on out-of-state travel by judicial branch employees in previous fiscal year that was paid for, in whole or in part, with state appropriations.

Sec. 209. General Fund Lapses

Requires State Budget Office (SBO) to report on estimates of general fund lapses by major program or program areas at close of fiscal year.

Sec. 211. Transparency Website

Requires judicial branch to maintain a searchable website accessible by the public that includes all expenditures made by judicial branch within fiscal year and purpose of expenditures.

Sec. 212. Report on State Restricted Funds

Requires judicial branch to work with SBO to report annually on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures.

Sec. 213. Website for Performance Scorecard

Requires judiciary to maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics used to monitor and improve judiciary's performance.

Sec. 214. Legacy Costs

States total amount of funding estimated to be expended on legacy costs in FY 2020-21 is \$15.3 million (\$7.3 million on pension-related legacy costs; \$7.9 million on health care-related legacy costs).

Sec. 215. Disciplinary Action Against State Employees

Prohibits judicial branch from taking disciplinary action against employees for communicating with legislators or their staff unless the communication is prohibited by law and the judicial branch is exercising its authority.

Sec. 216. Input on Foster Care Cases

Expresses legislative intent that judges presiding over hearings on foster care cases publicly acknowledge and request input from foster parent(s) during hearings.

BOILERPLATE SECTION INFORMATION

Sec. 217. Changes to Foster Care Family Service Plans

Expresses legislative intent that judges presiding over foster care cases provide explanations in court records for any changes made to foster care family service plans.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, DLEO, and MDOC Programming

Requires SCAO to identify programs within Departments of Health and Human Services, Labor and Economic Opportunity, and Corrections that have programmatic connections with Swift and Sure Sanctions program participants for purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to provide guidance to courts participating in Swift and Sure Sanctions program of available DHHS, DLEO, and MDOC programming.

Sec. 219. Receipt and Retention of Required Reports

Requires judicial branch to receive and retain copies of all required reports; requires federal and state guidelines to be followed for short- and long-term retention of records; authorizes judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 301. Direct Trial Court Automation Support

Requires SCAO to recover direct and overhead costs from trial courts by charging fees for services rendered; fees required to cover actual costs incurred in providing service.

Sec. 302. Expenditure Approval

Requires Supreme Court approval of expenditure of funds appropriated within judicial branch.

Sec. 303. Statutory Reimbursements

Specifies allocation of funding for Circuit Court and Court of Claims reimbursement.

Sec. 304. Judicial Data Warehouse

Authorizes members of legislature to request report or data from data collected in judicial data warehouse; requires reports to be made available to public, unless disclosure is prohibited; requires data provided to be public and non-identifying information.

Sec. 305. Community Dispute Resolution

Requires community dispute resolution centers to provide dispute resolution services that help to reduce suspensions and truancy, and improve school climate; authorizes funding to be used to develop or expand juvenile diversion services in cooperation with local prosecutors; expresses that participation in dispute resolution processes is voluntary for all parties.

Sec. 307. Mental Health Diversion Council

Expresses legislative intent that \$1.7 million of the appropriation for Mental Health Courts and Diversion Services is to be used to address recommendations of Mental Health Diversion Council.

Sec. 308. Judges' Salaries

Authorizes appropriation of GF/GP to meet cost of judges' compensation should revenue from Court Fee Fund be insufficient; requires notification by SCAO within 14 days if GF/GP appropriation is made.

Sec. 309. Report on Problem-Solving Courts

Requires SCAO to provide statistical report on drug treatment, mental health, and veterans court programs, including number and types of programs, number of program participants in each jurisdiction, and program impacts on offender criminal involvement and recidivism.

Sec. 311. Drug Treatment Courts

Requires SCAO to operate drug treatment court programs; requires drug treatment courts to handle cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives; requires allocation of sufficient funding for Michigan Judicial Institute to provide in-state training for drug treatment court staff and judges; specifies that \$1.5 million in federal Byrne grant revenue is to be used for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders.

Sec. 312. Parental Rights Restoration Act

Requires SCAO to report on total number of petitions filed by minors seeking court-issued waivers of parental consent under Parental Rights Restoration Act, and total number of petitions granted.

BOILERPLATE SECTION INFORMATION

Sec. 316. Pretrial Risk Assessment

Requires SCAO to continue to pilot a pretrial risk assessment tool in an effort to provide relevant information to judges so they can make evidence-based bond decisions; requires SCAO to report on status of program, including assessment of effectiveness of tool, plans to expand use of tool, and details on expenditures and allocations.

Sec. 317. Judicial Car Leases

Prohibits funding from being used for permanent assignment of state-owned vehicles to justices, judges, or other judicial branch employees.

Sec. 320. Swift and Sure Sanctions Program

Requires SCAO to administer Swift and Sure Sanctions program and distribute grants to qualifying courts; authorizes SCAO to expend \$100,000 of appropriation to pay for employee costs associated with administration of program; reserves \$500,000 for programs in counties that had more than 325 individuals sentenced to prison in previous calendar year; requires SCAO to work with Department of Corrections to report on courts receiving funding, number of offenders participating in program, criminal history of offenders, recidivism rates, parameters of program, and accounting of expenditures, including grant amounts requested, grant amounts awarded, and grant amounts expended.

Sec. 321. Legal Self-Help Website

Requires judicial branch to support a statewide legal self-help website and local nonprofit self-help centers that provide assistance to individuals representing themselves in civil legal proceedings; requires SCAO to summarize costs of maintaining website, provide statistics on number of people visiting website, and provide information on content usage, form completion, and user feedback.

Sec. 322. State Appellate Defender Office Receipt of Federal Funding

Authorizes SADO to receive and expend up to \$250,000 in federal Byrne grant funding and up to \$300,000 in other federal grant funding if made available from the U.S. Department of Justice.

Sec. 324. Medication-Assisted Treatment Program

Requires judiciary to maintain a medication-assisted treatment program to provide treatment for opioid- and alcohol-addicted individuals who are referred to and who voluntarily participate in the program.

Sec. 402. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers

Requires SADO to ensure compliance with U.S. Supreme Court ruling on *Montgomery v. Louisiana* case and to ensure competent, resourced, and supervised counsel in cases involving resentencing of juvenile lifers; requires SADO to submit report on number of juvenile lifer cases investigated and prepared, to include calculation of hours spent and incremental costs associated with investigating and conducting each case.

Sec. 403. Oral Fluid Testing Pilot Program

Requires SCAO to allocate \$100,000 of funding appropriated for expansion of problem-solving courts to create a pilot program in a veterans treatment court, mental health treatment court, or both, that investigates effectiveness of oral fluid testing to determine compliance with required mental health medications or requirements.



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