



HOUSE BILL No. 4028

January 11, 1995, Introduced by Reps. Profit and Wallace and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 9947 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 189 of the Public Acts of 1993, being section 600.9947 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9947 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 189 of the Public Acts of 1993,
3 being section 600.9947 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 9947. (1) Except as otherwise provided in this act,
6 the legislature shall appropriate sufficient funds in order to
7 fund at least 31.5% of all trial court operational expenses,
8 subject to the offset provisions of subsection (6), beginning
9 with the state fiscal year that begins October 1, 1993. It is

1 the intent of the legislature that the state will fund the
2 highest percentage of trial court operational expenses, offset by
3 an equivalent percentage of court revenues collected by counties
4 or district control units, as available funds will allow, as
5 determined by the legislature.

6 (2) As used in this section, "trial court operational
7 expenses" means, for each trial court of record other than ~~a~~
8 ~~court in a county in which a court receives~~ THOSE COURTS THAT
9 RECEIVE state appropriations to implement section 563, 564, 592,
10 593, 594, 595, 8272, 8273, 8275, 9104, or 9943, the sum of the
11 following expenses for the 1990-91 fiscal year, as reported to
12 the state court administrative office, excluding expenses reim-
13 bursed by federal friend of the court reimbursement:

14 (a) Employee compensation, including compensation for county
15 clerk services to the circuit court, other than compensation for
16 courtroom security.

17 (b) Operational and maintenance expenses other than expenses
18 for facilities, utilities, telephones, and courtroom security.

19 (c) Assigned counsel provided for indigents accused of crim-
20 inal offenses or ordinance violations, whether before or after
21 conviction.

22 (d) Guardians ad litem for indigent persons.

23 (e) Compensation paid to jurors.

24 (f) Fees for transcripts that are prepared pursuant to court
25 order.

26 (g) Expenses incurred as a result of the operating of a
27 probation department.

1 (3) For purposes of subsection (2)(c), trial courts shall
2 establish minimum standards which must be met by all attorneys
3 serving as assigned counsel. Minimum standards shall be devel-
4 oped in consultation with a local or county bar association.

5 (4) If a trial court has not reported information on each of
6 the items described in subsection (2) for the 1990-91 fiscal
7 year, as required under subsection (2), the state court adminis-
8 trative office shall calculate the trial court operational
9 expenses for that court based on the information received. A
10 local funding unit may report additional 1990-91 fiscal year
11 trial court operational expenses if the information on the
12 expenses that has already been reported to the state court admin-
13 istrative office is incomplete or incorrect and the additional
14 information is confirmed by an independent audit, paid for by the
15 local funding unit and approved by the state court
16 administrator. Information confirmed by an independent audit
17 shall be included by the state court administrative office in its
18 calculation of trial court operational expenses under this
19 subsection.

20 (5) The state court administrative office shall monitor the
21 trends in the ratio of trial court operational expenses to court
22 revenues for each county and district control unit. In analyzing
23 differences in the ratio of court operational expenses to court
24 revenues for a county or district control unit from the ratio of
25 expenses to court revenues based on expense data reported by that
26 county or district control unit for 1990-91 and court revenue
27 data reported by that county or district control unit for

1 1990-91, the state court administrator shall consider changes in
2 fees impacting revenue generation, changes in court responsibili-
3 ties impacting workload, statewide trends in expenses to revenue
4 ratios, and increases in expenses due to inflation. Upon deter-
5 mining that the ratio of expenses to court revenues for a county
6 and district control unit differs significantly from statewide
7 trends, the state court administrator shall conduct a review of
8 the budget and court management of the court or courts funded by
9 that county or district control unit. The state court adminis-
10 trator shall then submit a report to the senate and house appro-
11 priations subcommittees on general government. In the following
12 state fiscal year, the legislature may authorize adjustments to
13 the funding from the state court fund created in section 151a for
14 which those counties or district control units would otherwise be
15 entitled pursuant to this section.

16 (6) The funds to which a county or district control unit is
17 entitled under subsection (1) shall be offset by the sum of court
18 revenues collected by that county or district control unit in the
19 1990-91 state fiscal year and any state funding in the 1990-91
20 fiscal year received by the county or district control unit for
21 trial court operational expenses, including judges' salaries,
22 Michigan friend of the court funds, and child care funds. The
23 amount of the offset shall be equal to the percentage of trial
24 court operational expenses funded for that county, or, in the
25 case of a district of the third class, that district control
26 unit. However, an offset under this subsection shall not reduce

1 the funding to which the county or district control unit is
2 entitled to less than zero.

3 (7) As used in this section, "court revenues" means all
4 fees, fines, and court costs, except the following:

5 (a) Penal fines.

6 (b) Revenue dedicated to the state general fund.

7 (c) Revenue dedicated to a restricted state fund or state
8 purpose.

9 (d) Revenue dedicated to a friend of the court fund.

10 (8) A county or political subdivision shall receive funds
11 under this section based on the trial court operational expenses
12 of the courts in the county for which the county or a political
13 subdivision of the county is responsible, offset by the portion
14 of court revenues from those courts to which the county or polit-
15 ical subdivision is entitled.