

SUBSTITUTE FOR
HOUSE BILL NO. 5668

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending the title and sections 151a and 151b (MCL 600.151a
and 600.151b), section 151a as amended by 1996 PA 374 and
section 151b as amended by 1996 PA 524, and by adding section
1488.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to revise and consolidate the statutes relating to
3 the organization and jurisdiction of the courts of this state;
4 the powers and duties of ~~such~~ THOSE courts, and of the judges
5 and other officers ~~thereof~~ OF THOSE COURTS; the forms and
6 attributes of civil claims and actions; the time within which
7 civil actions and proceedings may be brought in ~~said~~ THE courts
8 OF THIS STATE; pleading, evidence, practice and procedure in

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1 civil and criminal actions and proceedings in ~~said~~ THE courts
2 OF THIS STATE; to provide remedies and penalties for the viola-
3 tion of certain provisions of this act; ~~and~~ to repeal all acts
4 and parts of acts inconsistent with, or contravening any of the
5 provisions of this act; AND TO PROVIDE FOR CERTAIN
6 APPROPRIATIONS.

7 Sec. 151a. (1) The state court fund is created in the state
8 treasury. The money in the fund shall be used as provided in
9 this section.

10 (2) The state treasurer shall credit to the state court fund
11 deposits of proceeds from the collection of revenue from court
12 fees as provided in this act, and shall credit all income from
13 investment credited to the fund by the state treasurer. The
14 state treasurer may invest money in the fund in any manner autho-
15 rized by law for the investment of state money. However, an
16 investment shall not interfere with any apportionment, alloca-
17 tion, or payment of money as required by this section. The state
18 treasurer shall credit to the fund all income earned as a result
19 of an investment of money in the fund. The unencumbered balance
20 remaining in the fund at the end of a fiscal year shall remain in
21 the fund and shall not revert to the general fund. EACH PORTION
22 OF THE UNENCUMBERED BALANCE AS DESIGNATED IN SUBSECTION (4)(A) TO
23 (D) SHALL BE CARRIED OVER FOR EXPENDITURE IN THE NEXT FISCAL YEAR
24 FOR THE SAME PURPOSE FOR WHICH IT WAS ALLOCATED IN THE PREVIOUS
25 FISCAL YEAR; FOR EXAMPLE, IF \$100,000.00 OF THE FUND PROCEEDS
26 DESIGNATED FOR OVERSIGHT, DATA COLLECTION, AND COURT MANAGEMENT
27 ASSISTANCE UNDER SUBSECTION (4)(D) REMAINS UNENCUMBERED AT THE

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1 END OF A FISCAL YEAR, THAT ENTIRE \$100,000.00 SHALL BE CARRIED
2 FORWARD TO THE NEXT FISCAL YEAR FOR EXPENDITURE FOR THE PURPOSE
3 DESCRIBED IN SUBSECTION (4)(D).

4 ~~(3) In the state fiscal year beginning October 1, 1993, the~~
5 ~~state treasurer shall distribute proceeds of the fund as~~
6 ~~follows:~~

7 ~~(a) To the state court administrator for the operational~~
8 ~~expenses of trial courts in counties other than the counties of~~
9 ~~the trial courts described in subdivision (c), \$1,600,000.00,~~
10 ~~with the balance of the fund being distributed according to sub-~~
11 ~~divisions (b) to (e).~~

12 ~~(b) To the state court administrator for the operational~~
13 ~~expenses of trial courts in counties other than the counties of~~
14 ~~the trial courts described in subdivision (c), 44% of the balance~~
15 ~~of the fund.~~

16 ~~(c) To the state court administrator for the operational~~
17 ~~expenses of trial courts that receive appropriations to implement~~
18 ~~sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104,~~
19 ~~and 9943, 28% of the balance of the fund.~~

20 ~~(d) For indigent civil legal assistance to be distributed~~
21 ~~under section 1485, and to the state court administrator for the~~
22 ~~operation of the court of appeals to alleviate the backlog in~~
23 ~~that court's caseload, 23% of the balance of the fund. Of the~~
24 ~~amount allocated under this subdivision, \$2,000,000.00 shall be~~
25 ~~allocated for the court of appeals and the remainder of the~~
26 ~~amount shall be allocated for indigent civil legal assistance.~~

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1 ~~(e) To the state court administrator for oversight, data~~
2 ~~collection, and court management assistance by the state court~~
3 ~~administrative office, 5% of the balance of the fund.~~

4 ~~(4) In the state fiscal year beginning October 1, 1994, the~~
5 ~~state treasurer shall distribute proceeds of the fund as~~
6 ~~follows:~~

7 ~~(a) To the state court administrator for the operational~~
8 ~~expenses of trial courts in counties other than the counties of~~
9 ~~the trial courts described in subdivision (c), \$1,600,000.00,~~
10 ~~with the balance of the fund being distributed according to sub-~~
11 ~~divisions (b) to (e).~~

12 ~~(b) To the state court administrator for the operational~~
13 ~~expenses of trial courts in counties other than the counties of~~
14 ~~the trial courts described in subdivision (c), 46% of the balance~~
15 ~~of the fund.~~

16 ~~(c) To the state court administrator for the operational~~
17 ~~expenses of trial courts that receive appropriations to implement~~
18 ~~sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104,~~
19 ~~and 9943, 26% of the balance of the fund.~~

20 ~~(d) For indigent civil legal assistance to be distributed~~
21 ~~under section 1485, and to the state court administrator for the~~
22 ~~operation of the court of appeals to alleviate the backlog in~~
23 ~~that court's caseload, 23% of the balance of the fund. Of the~~
24 ~~amount allocated under this subdivision, \$2,000,000.00 shall be~~
25 ~~allocated for the court of appeals and the remainder of the~~
26 ~~amount shall be allocated for indigent civil legal assistance.~~

1 ~~(e) To the state court administrator for oversight, data~~
2 ~~collection, and court management assistance by the state court~~
3 ~~administrative office, 5% of the balance of the fund.~~

4 ~~(5) In the state fiscal year beginning October 1, 1995, the~~
5 ~~state treasurer shall distribute proceeds of the fund as~~
6 ~~follows:~~

7 ~~(a) To the state court administrator for the operational~~
8 ~~expenses of trial courts in counties other than the counties of~~
9 ~~the trial courts described in subdivision (c), \$1,600,000.00,~~
10 ~~with the balance of the fund being distributed according to sub-~~
11 ~~divisions (b) to (e).~~

12 ~~(b) To the state court administrator for the operational~~
13 ~~expenses of trial courts in counties other than the counties of~~
14 ~~the trial courts described in subdivision (c), 47% of the balance~~
15 ~~of the fund.~~

16 ~~(c) To the state court administrator for the operational~~
17 ~~expenses of trial courts that receive appropriations to implement~~
18 ~~sections 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104,~~
19 ~~and 9943, 25% of the balance of the fund.~~

20 ~~(d) For indigent civil legal assistance to be distributed~~
21 ~~under section 1485, and to the state court administrator for the~~
22 ~~operation of the court of appeals to alleviate the backlog in~~
23 ~~that court's caseload, 23% of the balance of the fund. Of the~~
24 ~~amount allocated under this subdivision, \$2,000,000.00 shall be~~
25 ~~allocated for the court of appeals and the remainder of the~~
26 ~~amount shall be allocated for indigent civil legal assistance.~~

1 ~~(e) To the state court administrator for oversight, data~~
2 ~~collection, and court management assistance by the state court~~
3 ~~administrative office, 5% of the balance of the fund.~~

4 ~~(6) In the state fiscal year beginning October 1, 1996, the~~
5 ~~state treasurer shall distribute proceeds of the fund as~~
6 ~~follows:~~

7 ~~(a) To the state court administrator for the operational~~
8 ~~expenses of trial courts as provided in section 151b,~~
9 ~~\$1,600,000.00 with the balance of the fund being distributed~~
10 ~~according to subdivisions (b) to (d).~~

11 ~~(b) To the state court administrator for the operational~~
12 ~~expenses of trial courts as provided in section 151b, 76% of the~~
13 ~~balance of the fund.~~

14 ~~(c) For indigent civil legal assistance to be distributed~~
15 ~~under section 1485, and to the state court administrator for the~~
16 ~~operation of the court of appeals to alleviate the backlog in~~
17 ~~that court's caseload, 23% of the balance of the fund. Of the~~
18 ~~amount allocated under this subdivision, \$2,000,000.00 shall be~~
19 ~~allocated for the court of appeals and the remainder of the~~
20 ~~amount shall be allocated for indigent civil legal assistance.~~

21 ~~(d) To the state court administrator for oversight, data~~
22 ~~collection, and court management assistance by the state court~~
23 ~~administrative office, 1% of the balance of the fund.~~

24 ~~(3) —(7)— In the state fiscal year beginning October 1,~~
25 ~~1997, —and for each subsequent state fiscal year,— the state~~
26 ~~treasurer shall distribute proceeds of the fund as follows:~~

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1 (a) To the state court administrator for the operational
2 expenses of trial courts as provided in section 151b,
3 \$1,600,000.00 with the balance of the fund being distributed
4 according to subdivisions (b) to (d).

5 (b) To the state court administrator for the operational
6 expenses of trial courts as provided in section 151b, 76% of the
7 balance of the fund.

8 (c) For indigent civil legal assistance to be distributed
9 under section 1485, 23% of the balance of the fund.

10 (d) To the state court administrator for oversight, data
11 collection, and court management assistance by the state court
12 administrative office, 1% of the balance of the fund.

13 (4) IN THE STATE FISCAL YEAR BEGINNING OCTOBER 1, 1998 AND
14 FOR EACH SUBSEQUENT FISCAL YEAR, THE STATE TREASURER SHALL DIS-
15 TRIBUTE PROCEEDS OF THE FUND AS FOLLOWS:

16 (A) TO THE STATE COURT ADMINISTRATOR FOR THE OPERATIONAL
17 EXPENSES OF TRIAL COURTS AS PROVIDED IN SECTION 151B,
18 \$1,600,000.00 WITH THE BALANCE OF THE FUND BEING DISTRIBUTED
19 ACCORDING TO SUBDIVISIONS (B) TO (D).

20 (B) TO THE STATE COURT ADMINISTRATOR FOR THE OPERATIONAL
21 EXPENSES OF TRIAL COURTS AS PROVIDED IN SECTION 151B, 76% OF THE
22 BALANCE OF THE FUND AND THE UNENCUMBERED BALANCE FROM THE PREVI-
23 OUS YEAR AS MANDATED IN SUBSECTION (2).

24 (C) FOR INDIGENT CIVIL LEGAL ASSISTANCE TO BE DISTRIBUTED
25 UNDER SECTION 1485, 23% OF THE BALANCE OF THE FUND AND THE UNEN-
26 CUMBERED BALANCE FROM THE PREVIOUS YEAR AS MANDATED IN SUBSECTION
27 (2).

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1 (D) TO THE STATE COURT ADMINISTRATOR FOR OVERSIGHT, DATA
2 COLLECTION, AND COURT MANAGEMENT ASSISTANCE BY THE STATE COURT
3 ADMINISTRATIVE OFFICE, 1% OF THE BALANCE OF THE FUND AND THE
4 UNENCUMBERED BALANCE FROM THE PREVIOUS YEAR AS MANDATED IN SUB-
5 SECTION (2).

6 (5) ~~-(8)-~~ Distributions of funds under this section shall be
7 made every 3 months.

8 Sec. 151b. (1) The court equity fund is created in the
9 state treasury. ~~For each state fiscal year beginning on or~~
10 ~~after October 1, 1996, each county shall receive funds pursuant~~
11 ~~to this section from the~~ THE STATE TREASURER MAY INVEST MONEY IN
12 THE FUND IN ANY MANNER AUTHORIZED BY LAW FOR THE INVESTMENT OF
13 STATE MONEY. HOWEVER, AN INVESTMENT SHALL NOT INTERFERE WITH ANY
14 APPORTIONMENT, ALLOCATION, OR PAYMENT OF MONEY AS REQUIRED BY
15 THIS SECTION. THE STATE TREASURER SHALL CREDIT TO THE FUND ALL
16 INCOME EARNED AS A RESULT OF AN INVESTMENT OF MONEY IN THE FUND.
17 THE UNENCUMBERED BALANCE REMAINING IN THE FUND AT THE END OF A
18 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE
19 GENERAL FUND. THE court equity fund ~~—, which—~~ consists of the
20 following:

21 (a) The portion of the state court fund set aside for the
22 operational expenses of trial courts under section ~~151a(6)(a)~~
23 ~~and (b) and (7)(a) and (b)~~ 151A(3)(A) AND (B) AND (4)(A) AND
24 (B).

25 (b) The proceeds of the \$4.25 portion of costs assessed by
26 the district court as provided in section 8381.

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1 (c) Excess court fees transmitted by the state treasurer
2 pursuant to section 217 of the judges retirement act of 1992,
3 ~~Act No. 234 of the Public Acts of 1992, being section 38.2217 of~~
4 ~~the Michigan Compiled Laws 1992 PA 234, MCL 38.2217.~~

5 (d) State general funds in an amount as follows:

6 ~~(i) For the state fiscal year beginning October 1, 1996,~~
7 ~~\$18,436,700.00.~~

8 (i) ~~(ii)~~ For the state fiscal year beginning October 1,
9 1997, \$25,796,400.00.

10 ~~(iii) For the state fiscal year beginning October 1, 1998,~~
11 ~~\$29,796,400.00.~~

12 ~~(iv) For the state fiscal year beginning October 1, 1999,~~
13 ~~\$33,796,400.00.~~

14 ~~(v) For the state fiscal year beginning October 1, 2000,~~
15 ~~\$37,796,400.00.~~

16 (ii) ~~(vi)~~ For the state fiscal year beginning October 1,
17 ~~2001~~ 1998 and each subsequent state fiscal year,
18 \$41,796,400.00.

19 (2) For ~~each~~ THE state fiscal year ENDING SEPTEMBER 30,
20 1998, the state court administrative office shall do all of the
21 following:

22 (a) Determine the relative caseload of each county and
23 multiply that percentage by the total amount available for dis-
24 tribution from the court equity fund described in subsection (1)
25 for that fiscal year.

26 (b) Determine the number of circuit, recorder's court,
27 probate, and district judges for each county and the ratio of

1 that sum to the total number of the circuit, recorder's court,
2 probate, and district court judges statewide. If a judge serves
3 more than 1 county, the county shall be credited for that judge
4 only for the fraction of the judicial salary standardization pay-
5 ment the state reimburses that county.

6 (c) Multiply the amount determined under subdivision (a) for
7 each county by the sum of 1 and the ratio of judges for that
8 county determined under subdivision (b).

9 (d) Total the results for all counties determined under sub-
10 division (c).

11 (e) Divide the amount determined under subdivision (c) for
12 each county by the total determined under subdivision (d) and
13 multiply the amount by the total amount available for distribu-
14 tion for the court equity fund described in subsection (1) for
15 that fiscal year. This represents the funds a county shall
16 receive from the court equity fund FOR THE FISCAL YEAR ENDING
17 SEPTEMBER 30, 1998.

18 (3) A hold harmless fund is created in the state treasury
19 through September 30, ~~2001~~ 1998 and shall consist of state gen-
20 eral funds ~~as follows:~~ IN THE AMOUNT OF \$16,000,000.00.

21 ~~(a) For the state fiscal year beginning October 1, 1996,~~
22 ~~\$20,000,000.00.~~

23 ~~(b) For the state fiscal year beginning October 1, 1997,~~
24 ~~\$16,000,000.00.~~

25 ~~(c) For the state fiscal year beginning October 1, 1998,~~
26 ~~\$12,000,000.00.~~

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1 ~~(d) For the state fiscal year beginning October 1, 1999,~~
2 ~~\$8,000,000.00.~~

3 ~~(e) For the state fiscal year beginning October 1, 2000,~~
4 ~~\$4,000,000.00.~~

5 (4) The following shall receive funds from the hold harmless
6 fund in ~~a~~ THE state fiscal year beginning ~~on or after~~ October
7 1, ~~1996~~ 1997 as provided in this subsection and subsection

8 (5):

9 (a) If a county receives a smaller amount under the formula
10 in subsection (2) in a fiscal year than the amount that it
11 received from the state court fund for the state fiscal year
12 beginning October 1, 1995 plus the amount it received for reim-
13 bursement of compensation paid to jurors under ~~Act No. 149 of~~
14 ~~the Public Acts of 1995~~ 1995 PA 149, the county shall receive
15 the difference.

16 (b) If a city received an amount from the state court fund
17 under section 9947 for the state fiscal year beginning October 1,
18 1995, the city shall receive that amount.

19 (c) The county of Wayne shall receive the difference of the
20 amount determined under subparagraph (i) minus the amount deter-
21 mined under subparagraph (ii):

22 (i) The total of the following:

23 (A) The amount of general fund/general purpose funds paid
24 for the third judicial circuit, recorder's court, and Wayne
25 county clerk services by the supreme court under ~~Act No. 149 of~~
26 ~~the Public Acts of 1995~~ 1995 PA 149 for the state fiscal year
27 beginning October 1, 1995.

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1 (B) The amount of the state court fund paid for the third
2 judicial circuit, recorder's court, and Wayne county clerk serv-
3 ices by the supreme court under ~~Act No. 149 of the Public Acts~~
4 ~~of 1995~~ 1995 PA 149 for the state fiscal year beginning October
5 1, 1995.

6 (C) The amount distributed under sections 217 and 304 of the
7 judges retirement act of 1992, ~~Act No. 234 of the Public Acts of~~
8 ~~1992, being sections 38.2217 and 38.2304 of the Michigan Compiled~~
9 ~~Laws~~ 1992 PA 234, MCL 38.2217 AND 38.2304, for the third judi-
10 cial circuit for the state fiscal year beginning October 1,
11 1995.

12 (D) \$1,438,900.00 received by the county of Wayne for reim-
13 bursement of compensation paid to jurors under ~~Act No. 149 of~~
14 ~~the Public Acts of 1995~~ 1995 PA 149.

15 (E) Two percent of the expenditures for salaries, wages, and
16 social security and medicare taxes for employees of the state
17 judicial council assigned to serve in the circuit court in the
18 third judicial circuit and the recorder's court of the city of
19 Detroit for the state fiscal year beginning October 1, 1995.

20 (ii) The sum of the amount the county of Wayne receives
21 under the formula in subsection (2) in that state fiscal year and
22 the amount the county of Wayne receives under section 18a of the
23 social welfare act, ~~Act No. 280 of the Public Acts of 1939,~~
24 ~~being section 400.18a of the Michigan Compiled Laws~~ 1939 PA 280,
25 MCL 400.18A, in that state fiscal year.

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1 (d) The city of Detroit shall receive the difference of the
2 amount determined under subparagraph (i) minus the amount
3 determined under subparagraph (ii):

4 (i) The total of the following:

5 (A) The expenses for the district court in the thirty-sixth
6 district for which the state was responsible and that the state
7 paid out of appropriations under ~~Act No. 149 of the Public Acts~~
8 ~~of 1995~~ 1995 PA 149 for the state fiscal year beginning
9 October 1, 1995.

10 (B) \$387,000.00 for full-year funding for 12 promotions and
11 8 new hires after August 1, 1996.

12 (C) Two percent of the expenditures for salaries, wages, and
13 social security and medicare taxes for employees of the state
14 judicial council assigned to serve in the district court in the
15 thirty-sixth district for the state fiscal year beginning October
16 1, 1995 and 2% of the amount described in sub-subparagraph (B).

17 (ii) The total of the following:

18 (A) Federal drug funds allocated by the supreme court for
19 the state fiscal year beginning October 1, 1995 to offset oper-
20 ational expenses of the district court in the thirty-sixth
21 district.

22 (B) \$7,150,000.00 payable by the city of Detroit to the
23 state under section 9945.

24 (C) The revenue due to the state from the Detroit parking
25 violation bureau under section 9945(8) for the state fiscal year
26 beginning October 1, 1995, as determined by the audit of the
27 auditor general.

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1 (D) All court revenues received by the district court in the
2 thirty-sixth district for the state fiscal year beginning
3 October 1, 1995 and payable to the state under section 9945.

4 (E) Any funds from private sources.

5 (5) If the total amount payable under subsection (4) for a
6 state fiscal year exceeds the amount available in the hold harm-
7 less fund, the amount paid to each recipient shall be reduced to
8 a pro rata share of the funds available.

9 (6) If the total amount available in the hold harmless fund
10 exceeds the amount payable under subsection (4) for a state
11 fiscal year, the balance shall be retained in a work project
12 account at the end of the state fiscal year to be added to the
13 amount otherwise available in the hold harmless fund in the next
14 state fiscal year.

15 (7) The formula in subsection (2) does not include, for pur-
16 poses of applying the formula, the caseload of the district court
17 in any district or any municipal court.

18 (8) Distributions of funds under this section from the court
19 equity fund and the hold harmless fund shall be made every 3
20 months.

21 (9) SUBJECT TO SUBSECTION (12), FOR EACH STATE FISCAL YEAR
22 BEGINNING ON OR AFTER OCTOBER 1, 1998, THE STATE COURT ADMINIS-
23 TRATIVE OFFICE SHALL DISTRIBUTE \$500,000.00 FOR THE OFFICE OF
24 CRIMINAL DEFENSE COORDINATION AS PROVIDED IN SECTION 1488, PLUS
25 ANY UNENCUMBERED BALANCE OF THAT DISTRIBUTION FROM THE PREVIOUS
26 FISCAL YEAR. THE BALANCE OF THE COURT EQUITY FUND SHALL BE
27 DISTRIBUTED AS PROVIDED IN SUBSECTIONS (10) AND (11).

1 (10) FOR EACH STATE FISCAL YEAR BEGINNING ON OR AFTER
2 OCTOBER 1, 1998, THE STATE COURT ADMINISTRATIVE OFFICE SHALL DO
3 ALL OF THE FOLLOWING FOR EACH COUNTY:

4 (A) DETERMINE THE QUALIFYING CASELOAD BY DETERMINING THE
5 NUMBER OF CASES FILED DURING THE PRECEDING CALENDAR YEAR IN EACH
6 OF THE CASE TYPES LISTED IN SUBSECTION (13) IN CIRCUIT AND PRO-
7 BATE COURT FOR THAT COUNTY. IF THE COUNTY IS LOCATED IN A JUDI-
8 CIAL CIRCUIT OR A PROBATE DISTRICT THAT INCLUDES MORE THAN 1
9 COUNTY IN ITS JURISDICTION, THE QUALIFYING CASELOAD INCLUDES ONLY
10 THE CIRCUIT AND PROBATE CASELOAD ATTRIBUTED TO THAT COUNTY.

11 (B) DETERMINE THE OVERALL COMPLEXITY SCORE FOR THE COUNTY BY
12 MULTIPLYING THE NUMBER OF FILINGS OF EACH CASE TYPE AS DETERMINED
13 UNDER SUBDIVISION (A) BY THE CORRESPONDING TIME STUDY CASE WEIGHT
14 FROM THE TABLE IN SUBSECTION (13).

15 (C) DETERMINE, AS A PERCENTAGE, THE RELATIVE COMPLEXITY OF
16 THE CASELOAD BY DIVIDING THE OVERALL COMPLEXITY SCORE FOR THE
17 COUNTY BY THE STATEWIDE COMPLEXITY TOTAL.

18 (D) MULTIPLY THE PERCENTAGE FIGURE DETERMINED UNDER SUBDIVI-
19 SION (C) BY AN AMOUNT EQUAL TO 87% OF THE TOTAL AMOUNT AVAILABLE
20 FROM THE COURT EQUITY FUND. THIS IS THE SHARE OF THE COURT
21 EQUITY FUND FOR EACH COUNTY. HOWEVER, IF THE RESULT UNDER THIS
22 SUBDIVISION IS AN AMOUNT THAT IS LESS THAN THE AMOUNT THE COUNTY
23 RECEIVED FROM THE COURT EQUITY FUND AND THE HOLD HARMLESS FUND
24 FOR THE PRECEDING FISCAL YEAR ADJUSTED BY THE UNITED STATES CON-
25 SUMER PRICE INDEX FOR THAT YEAR, IT SHALL BE INCREASED TO THAT
26 AMOUNT. IF THE RESULT UNDER THIS SUBDIVISION IS AN AMOUNT THAT
27 IS GREATER THAN 105% OF THE AMOUNT THE COUNTY RECEIVED FROM THE

1 COURT EQUITY FUND AND THE HOLD HARMLESS FUND FOR THE PRECEDING
2 FISCAL YEAR, IT SHALL BE REDUCED TO THAT AMOUNT.

3 (11) SUBJECT TO SUBSECTION (12), FOR EACH STATE FISCAL YEAR
4 BEGINNING ON OR AFTER OCTOBER 1, 1998, THE STATE COURT ADMINIS-
5 TRATIVE OFFICE SHALL DO ALL OF THE FOLLOWING FOR EACH DISTRICT
6 FUNDING UNIT:

7 (A) DETERMINE THE QUALIFYING CASELOAD BY DETERMINING THE
8 NUMBER OF CASES FILED DURING THE PRECEDING CALENDAR YEAR IN EACH
9 OF THE CASE TYPES LISTED IN SUBSECTION (13) IN THE DISTRICT FOR
10 THAT FUNDING UNIT.

11 (B) DETERMINE THE OVERALL COMPLEXITY SCORE FOR THE DISTRICT
12 COURT BY MULTIPLYING THE NUMBER OF FILINGS OF EACH CASE TYPE AS
13 DETERMINED UNDER SUBDIVISION (A) BY THE CORRESPONDING TIME STUDY
14 CASE WEIGHT FROM THE TABLE IN SUBSECTION (13).

15 (C) DETERMINE, AS A PERCENTAGE, THE RELATIVE COMPLEXITY OF
16 THE CASELOAD BY DIVIDING THE OVERALL COMPLEXITY SCORE FOR THE
17 DISTRICT COURT BY THE STATEWIDE COMPLEXITY TOTAL.

18 (D) MULTIPLY THE PERCENTAGE FIGURE DETERMINED UNDER SUBDIVI-
19 SION (C) BY AN AMOUNT EQUAL TO 13% OF THE TOTAL AMOUNT IN THE
20 COURT EQUITY FUND. THIS IS THE SHARE OF THE COURT EQUITY FUND
21 FOR EACH DISTRICT FUNDING UNIT. HOWEVER, IF THE RESULT UNDER
22 THIS SUBDIVISION IS AN AMOUNT THAT IS LESS THAN THE AMOUNT THE
23 DISTRICT FUNDING UNIT RECEIVED FROM THE HOLD HARMLESS FUND [OR THE
COURT EQUITY FUND] FOR
24 THE PRECEDING FISCAL YEAR ADJUSTED BY THE UNITED STATES CONSUMER
25 PRICE INDEX FOR THAT YEAR, IT SHALL BE INCREASED TO THAT AMOUNT.
26 IF THE RESULT UNDER THIS SUBDIVISION IN A FISCAL YEAR BEGINNING
27 ON OR AFTER OCTOBER 1, 1999 IS AN AMOUNT THAT IS GREATER THAN

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1 105% OF THE AMOUNT THE DISTRICT FUNDING UNIT RECEIVED FROM [THE HOLD
2 HARMLESS FUND OR] THE

3 COURT EQUITY FUND FOR THE PRECEDING FISCAL YEAR, IT SHALL BE

4 REDUCED TO THAT AMOUNT.

5 (12) FOR EACH FISCAL YEAR, THE STATE COURT ADMINISTRATIVE

6 OFFICE SHALL APPORTION 87% OF THE TOTAL FUNDS AVAILABLE IN THE

7 COURT EQUITY FUND TO COUNTIES AS PROVIDED IN SUBSECTION (10) AND

8 SHALL APPORTION 13% OF THE TOTAL FUNDS AVAILABLE IN THE COURT

9 EQUITY FUND TO DISTRICT FUNDING UNITS AS PROVIDED IN SUBSECTION

10 (11). IF THE TOTAL AMOUNT OF MONEY AVAILABLE IN THE COURT EQUITY

11 FUND IN ANY FISCAL YEAR IS NOT SUFFICIENT TO PAY THE FULL AMOUNTS

12 CALCULATED UNDER SUBSECTIONS (10) AND (11), THE AMOUNTS PAID TO

13 ALL COUNTIES AND DISTRICT FUNDING UNITS SHALL BE REDUCED ON A PRO

14 RATA BASIS. IF, AT ANY TIME, THE LEGISLATURE COMBINES THE JURIS-

15 DICTION OF THE DISTRICT COURT WITH THE JURISDICTION OF THE CIR-

16 CUIT COURT, THE APPORTIONMENT REQUIRED UNDER THIS SECTION SHALL

17 NO LONGER APPLY.

18 (13) THE TIME STUDY CASE WEIGHTS FOR EACH TYPE OF CASE ARE

19 AS FOLLOWS:

CIRCUIT COURT

| 20 CASE TYPE | CASE WEIGHT |
|----------------------------|-------------|
| 21 CRIMINAL APPEALS | 206 |
| 22 CIVIL APPEALS | 141 |
| 23 AGENCY APPEALS | 105 |
| 24 OTHER APPEALS | 42 |
| 25 DIVORCE, NO CHILDREN | 38 |
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(14) ~~-(9)-~~ As used in this section FOR THE FISCAL YEAR
BEGINNING OCTOBER 1, 1997:

(a) "Qualifying period" means the following:

(i) For the state fiscal year beginning October 1, 1996,
calendar year 1995.

(ii) For the state fiscal year beginning October 1, 1997,
the last 2 calendar years for which reasonably complete trial
court caseload statistics are available.

~~-(iii) For the state fiscal year beginning October 1, 1998
and each subsequent state fiscal year, the last 3 calendar years
for which reasonably complete trial court caseload statistics are
available.-~~

(b) "Relative caseload" means, for each county, the percen-
tage derived by dividing the sum of the amounts determined under
the following subparagraphs (i) and (ii) by the sum of the case-
loads of all judicial circuits statewide, the caseload of the
recorder's court of the city of Detroit, and the caseloads of the
probate court statewide for the qualifying period:

1 (i) The portion of the caseload of a judicial circuit
2 attributable to that county for the qualifying period. For the
3 county of Wayne, that portion shall also include the caseload of
4 the recorder's court of the city of Detroit for the qualifying
5 period.

6 (ii) One of the following:

7 (A) The caseload of the probate court in that county for the
8 qualifying period if only that county funds the probate court.

9 (B) The portion of the caseload of the probate district
10 attributable to that county for the qualifying period if the
11 county is in a probate district.

12 SEC. 1488. (1) AS USED IN THIS SECTION:

13 (A) "COUNCIL" MEANS THE CRIMINAL DEFENSE COORDINATING
14 COUNCIL.

15 (B) "EXECUTIVE SECRETARY" MEANS THE EXECUTIVE SECRETARY OF
16 THE COUNCIL.

17 (C) "OFFICE" MEANS THE OFFICE OF CRIMINAL DEFENSE COORDINA-
18 TION CREATED IN SUBSECTION (2).

19 (2) THE OFFICE OF CRIMINAL DEFENSE COORDINATION IS CREATED
20 IN A MICHIGAN [] LAW SCHOOL TO BE CHOSEN BY THE APPELLATE
21 DEFENDER COMMISSION.

22 (3) THE HEAD OF THE OFFICE IS THE CRIMINAL DEFENSE COORDI-
23 NATING COUNCIL.

24 (4) THE CHIEF EXECUTIVE OFFICER OF THE OFFICE IS THE EXECU-
25 TIVE SECRETARY, WHO SHALL BE APPOINTED BY THE COUNCIL AND WHO
26 SHALL HOLD OFFICE AT THE PLEASURE OF THE COUNCIL. THE EXECUTIVE
27 SECRETARY SHALL PERFORM THE FUNCTIONS AND DUTIES ASSIGNED BY THE

1 COUNCIL. THE COUNCIL MAY EMPLOY OTHER PERSONS AS IT DEEMS
2 NECESSARY TO IMPLEMENT THE INTENT AND PURPOSE OF THIS SECTION.

3 (5) THE MONEY IN THE COURT EQUITY FUND CREATED IN SECTION
4 151B THAT IS DESIGNATED UNDER SECTION 151B(9) FOR THE OFFICE OF
5 CRIMINAL DEFENSE COORDINATION SHALL BE ALLOCATED BY THE STATE
6 COURT ADMINISTRATIVE OFFICE TO A MICHIGAN [] LAW SCHOOL TO BE
7 CHOSEN BY THE APPELLATE DEFENDER COMMISSION FOR DISTRIBUTION TO
8 THE OFFICE, FOR THE PURPOSES DESCRIBED IN THIS SECTION.

9 (6) THE COUNCIL CONSISTS OF 12 MEMBERS, AS FOLLOWS:

10 (A) THE PRESIDENT OF THE CRIMINAL DEFENSE ATTORNEYS OF
11 MICHIGAN OR HIS OR HER DESIGNEE.

12 (B) THE STATE APPELLATE DEFENDER OR HIS OR HER DESIGNEE.

13 (C) THE ADMINISTRATOR OF THE MICHIGAN APPELLATE ASSIGNED
14 COUNSEL SYSTEM OR HIS OR HER DESIGNEE.

15 (D) THE PRESIDENT OF THE RECORDER'S COURT BAR ASSOCIATION OR
16 HIS OR HER DESIGNEE.

17 (E) THE PRESIDENT OF THE CRIMINAL LAW COMMITTEE OF THE
18 OAKLAND COUNTY BAR ASSOCIATION OR HIS OR HER DESIGNEE.

19 (F) THE PRESIDENT OF THE KENT COUNTY CRIMINAL DEFENSE BAR OR
20 HIS OR HER DESIGNEE.

21 (G) A REPRESENTATIVE OF THE MICHIGAN [] LAW SCHOOL IN
22 WHICH THE OFFICE IS CREATED, WHO SHALL BE A NONVOTING MEMBER.

23 (H) A REPRESENTATIVE OF A NONPROFIT PUBLIC DEFENDER OFFICE.

24 (I) FOUR AT-LARGE MEMBERS WHOSE PRINCIPAL OFFICES ARE
25 LOCATED, RESPECTIVELY:

26 (i) IN A COUNTY HAVING A POPULATION BETWEEN 400,000 AND
27 800,000.

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1 (ii) IN A COUNTY HAVING A POPULATION BETWEEN 200,000 AND
2 400,000.

3 (iii) IN A COUNTY HAVING A POPULATION UNDER 200,000.

4 (iv) IN A COUNTY IN THE UPPER PENINSULA OF MICHIGAN.

5 (7) THE MEMBERS LISTED IN SUBSECTION (6)(H) AND (I) SHALL BE
6 APPOINTED BY A MAJORITY VOTE OF THE MEMBERS LISTED IN SUBSECTION
7 (6)(A) THROUGH (G), AFTER CONSULTATION WITH DEFENSE ATTORNEYS
8 PRACTICING IN THE RESPECTIVE COUNTIES.

9 (8) AT LARGE COUNCIL MEMBERS APPOINTED UNDER SUBSECTION
10 (6)(I) MUST BE ATTORNEYS WHO ARE ACTIVELY ENGAGED IN REPRESENTING
11 INDIGENT CRIMINAL DEFENDANTS. A MEMBER SHALL BE APPOINTED FOR A
12 TERM OF 2 YEARS. THE TERMS OF THE OTHER MEMBERS FIRST APPOINTED
13 SHALL BEGIN ON OCTOBER 1, 1998. AN APPOINTMENT SHALL BE VACATED
14 IF THE MEMBER BECOMES A PROSECUTING ATTORNEY OR JUDGE OR IS NO
15 LONGER ENGAGED IN REPRESENTING INDIGENT DEFENDANTS. A VACANCY
16 SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.
17 A MEMBER APPOINTED TO FILL A VACANCY CREATED OTHER THAN BY EXPI-
18 RATION OF A TERM SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF THE
19 MEMBER BEING SUCCEEDED IN THE SAME MANNER AS THE ORIGINAL
20 APPOINTMENT. ANY APPOINTED MEMBER MAY BE REAPPOINTED FOR ADDI-
21 TIONAL TERMS.

22 (9) THE COUNCIL SHALL DESIGNATE FROM AMONG ITS MEMBERS A
23 CHAIRPERSON AND VICE-CHAIRPERSON AND ANY OTHER OFFICERS IT CON-
24 SIDERS APPROPRIATE, WHO SHALL SERVE FOR 1-YEAR TERMS AND WHO MAY
25 BE REELECTED. MEMBERSHIP ON THE COUNCIL DOES NOT CONSTITUTE
26 HOLDING A PUBLIC OFFICE, AND MEMBERS OF THE COUNCIL ARE NOT

1 REQUIRED TO TAKE AND FILE OATHS OF OFFICE BEFORE SERVING ON THE
2 COUNCIL.

3 (10) THE COUNCIL SHALL MEET AT LEAST 4 TIMES IN EACH YEAR
4 AND SHALL HOLD SPECIAL MEETINGS WHEN CALLED BY THE CHAIRPERSON
5 OR, IN THE ABSENCE OF THE CHAIRPERSON, BY THE VICE-CHAIRPERSON OR
6 WHEN CALLED BY THE CHAIRPERSON UPON THE WRITTEN REQUEST OF 3 MEM-
7 BERS OF THE COUNCIL. THE COUNCIL SHALL ESTABLISH ITS OWN PROCE-
8 DURES AND REQUIREMENTS WITH RESPECT TO QUORUM, PLACE AND CONDUCT
9 OF ITS MEETINGS, AND OTHER MATTERS.

10 (11) THE COUNCIL SHALL MAKE AN ANNUAL REPORT TO THE APPEL-
11 LATE DEFENDER COMMISSION AND TO THE MICHIGAN [] LAW SCHOOL IN
12 WHICH THE OFFICE IS CREATED REGARDING ITS EFFORTS TO IMPLEMENT
13 THE PURPOSES OF THIS SECTION.

14 (12) THE MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPEN-
15 SATION BUT SHALL BE ENTITLED TO THEIR ACTUAL EXPENSES IN ATTEND-
16 ING MEETINGS AND IN PERFORMANCE OF THEIR DUTIES UNDER THIS
17 SECTION.

18 (13) THE COUNCIL SHALL KEEP THE ATTORNEYS REPRESENTING INDI-
19 GENT CRIMINAL DEFENDANTS INFORMED OF ALL CHANGES IN LEGISLATION,
20 LAW, AND MATTERS PERTAINING TO THEIR PRACTICES AND SHALL PROVIDE
21 TRAINING IN THE EXERCISE OF PROFESSIONAL SKILLS, TO THE END THAT
22 A UNIFORMLY HIGH QUALITY OF INDIGENT DEFENSE IS AVAILABLE IN EACH
23 COUNTY OF THE STATE.

24 (14) THE COUNCIL MAY DO ANY OR ALL OF THE FOLLOWING:

25 (A) ENTER INTO AGREEMENTS WITH OTHER PUBLIC OR PRIVATE AGEN-
26 CIES OR ORGANIZATIONS TO IMPLEMENT THE INTENT OF THIS SECTION.

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1 (B) COOPERATE WITH AND ASSIST OTHER PUBLIC OR PRIVATE
2 AGENCIES OR ORGANIZATIONS TO IMPLEMENT THE INTENT OF THIS
3 SECTION.

4 (C) MAKE RECOMMENDATIONS TO THE LEGISLATURE ON MATTERS PER-
5 TAINING TO ITS RESPONSIBILITIES UNDER THIS SECTION.

6 (15) THE COUNCIL MAY ACCEPT FUNDS, GRANTS, AND GIFTS FROM
7 ANY PUBLIC OR PRIVATE SOURCE WHICH SHALL BE USED TO DEFRAY THE
8 EXPENSES INCIDENT TO IMPLEMENTING ITS RESPONSIBILITIES UNDER THIS
9 SECTION.

10 (16) THERE IS HEREBY APPROPRIATED FROM THE COURT EQUITY FUND
11 TO THE STATE COURT ADMINISTRATIVE OFFICE FOR THE FISCAL YEAR
12 ENDING SEPTEMBER 30, 1999, AN AMOUNT NOT TO EXCEED \$500,000.00
13 FOR PURPOSES OF THIS SECTION.