

HOUSE BILL No. 5668

March 11, 1998, Introduced by Rep. Ciaramitaro and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151b (MCL 600.151b), as amended by 1996 PA 524.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 151b. (1) The court equity fund is created in the
2 state treasury. For each state fiscal year beginning on or after
3 October 1, 1996, each county shall receive funds pursuant to this
4 section from the court equity fund, which consists of the
5 following:

6 (a) The portion of the state court fund set aside for the
7 operational expenses of trial courts under section 151a(6)(a) and
8 (b) and (7)(a) and (b).

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

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

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

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

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

18 (2) For each state fiscal year, the state court administra-
19 tive office shall do all of the following:

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

24 (b) Determine the number of circuit, ~~recorder's court,~~
25 probate, and district judges for each county and the ratio of
26 that sum to the total number of the circuit, ~~recorder's court,~~
27 probate, and district court judges statewide. If a judge serves

1 more than 1 county, the county shall be credited for that judge
2 only for the fraction of the judicial salary standardization pay-
3 ment the state reimburses that county.

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

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

9 (e) Divide the amount determined under subdivision (c) for
10 each county by the total determined under subdivision (d) and
11 multiply the amount by the total amount available for distribu-
12 tion for the court equity fund described in subsection (1) for
13 that fiscal year. This represents the funds a county shall
14 receive from the court equity fund.

15 (3) A hold harmless fund is created in the state treasury
16 through September 30, 2001 and shall consist of state general
17 funds as follows:

18 ~~(a) For the state fiscal year beginning October 1, 1996,~~
19 ~~\$20,000,000.00.~~

20 (A) ~~(b)~~ For the state fiscal year beginning October 1,
21 1997, \$16,000,000.00.

22 (B) ~~(c)~~ For the state fiscal year beginning October 1,
23 1998, \$12,000,000.00.

24 (C) ~~(d)~~ For the state fiscal year beginning October 1,
25 1999, \$8,000,000.00.

26 (D) ~~(e)~~ For the state fiscal year beginning October 1,
27 2000, \$4,000,000.00.

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

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

11 (b) If a city received an amount from the state court fund
12 under section 9947 for the state fiscal year beginning October 1,
13 1995, the city shall receive that amount.

14 (c) The county of Wayne shall receive the difference of the
15 amount determined under subparagraph (i) minus the amount deter-
16 mined under subparagraph (ii):

17 (i) The total of the following:

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

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

1 (c) The amount distributed under sections 217 and 304 of the
2 judges retirement act of 1992, ~~Act No. 234 of the Public Acts of~~
3 ~~1992, being sections 38.2217 and 38.2304 of the Michigan Compiled~~
4 ~~Laws~~ 1992 PA 234, MCL 38.2217 TO 38.2304, for the third judicial
5 circuit for the state fiscal year beginning October 1, 1995.

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

9 (e) Two percent of the expenditures for salaries, wages, and
10 social security and medicare taxes for employees of the state
11 judicial council assigned to serve in the circuit court in the
12 third judicial circuit and the recorder's court of the city of
13 Detroit for the state fiscal year beginning October 1, 1995.

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

20 (d) The city of Detroit shall receive the difference of the
21 amount determined under subparagraph (i) minus the amount deter-
22 mined under subparagraph (ii):

23 (i) The total of the following:

24 (A) The expenses for the district court in the thirty-sixth
25 district for which the state was responsible and that the state
26 paid out of appropriations under ~~Act No. 149 of the Public Acts~~

1 of ~~1995~~ 1995 PA 149 for the state fiscal year beginning
2 October 1, 1995.

3 (B) \$387,000.00 for full-year funding for 12 promotions and
4 8 new hires after August 1, 1996.

5 (C) Two percent of the expenditures for salaries, wages, and
6 social security and medicare taxes for employees of the state
7 judicial council assigned to serve in the district court in the
8 thirty-sixth district for the state fiscal year beginning October
9 1, 1995 and 2% of the amount described in sub-subparagraph (B).

10 (ii) The total of the following:

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

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

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

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

24 (E) Any funds from private sources.

25 (5) If the total amount payable under subsection (4) for a
26 state fiscal year exceeds the amount available in the hold

1 harmless fund, the amount paid to each recipient shall be reduced
2 to a pro rata share of the funds available.

3 (6) If the total amount available in the hold harmless fund
4 exceeds the amount payable under subsection (4) for a state
5 fiscal year, the balance shall be retained in a work project
6 account at the end of the state fiscal year to be added to the
7 amount otherwise available in the hold harmless fund in the next
8 state fiscal year.

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

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

15 (9) As used in this section:

16 (a) "Qualifying period" means the following:

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

19 (i) ~~(ii)~~ For the state fiscal year beginning October 1,
20 1997, the last 2 calendar years for which reasonably complete
21 trial court caseload statistics are available.

22 (ii) ~~(iii)~~ For the state fiscal year beginning October 1,
23 1998 and each subsequent state fiscal year, the last 3 calendar
24 years for which reasonably complete trial court caseload statis-
25 tics are available.

26 (b) "Relative caseload" means, for each county, the
27 percentage derived by dividing the sum of the amounts determined

1 under the following subparagraphs (i) and (ii) by the sum of the
2 caseloads of all judicial circuits statewide ~~, the caseload of~~
3 ~~the recorder's court of the city of Detroit,~~ and the caseloads
4 of the probate court statewide for the qualifying period:

5 (i) The portion of the caseload of a judicial circuit
6 attributable to that county for the qualifying period. ~~For the~~
7 ~~county of Wayne, that portion shall also include the caseload of~~
8 ~~the recorder's court of the city of Detroit for the qualifying~~
9 ~~period.~~

10 (ii) One of the following:

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

13 (B) The portion of the caseload of the probate district
14 attributable to that county for the qualifying period if the
15 county is in a probate district.