

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.9947 Appropriation of funds; purpose; applicability of section; trial court operational expenses; monitor of ratio of court operational expenses to court revenues; report; offset to funds to which county or district funding unit entitled under subsection (1); "court revenues" defined; receipt of funds by county or political subdivision.

Sec. 9947. (1) Except as otherwise provided in this act, the legislature shall appropriate sufficient funds in order to fund at least 31.5% of all net trial court operational expenses, subject to the offset provisions of subsection (6), beginning with the state fiscal year that begins October 1, 1993. It is the intent of the legislature that the state will fund the highest percentage of trial court operational expenses, offset by an equivalent percentage of court revenues collected by counties or district control units, as available funds will allow, as determined by the legislature. Except as provided in section 151b(4)(a) and (b), this section shall not apply after September 30, 1996.

(2) As used in this section, "trial court operational expenses" means, for each trial court of record other than a court in a county in which a court receives state appropriations to implement section 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, or 9943, the sum of the following expenses for the 1990-91 fiscal year, as reported to the state court administrative office, excluding expenses reimbursed by federal friend of the court reimbursement:

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

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

(c) Assigned counsel provided for indigents accused of criminal offenses or ordinance violations, whether before or after conviction.

(d) Guardians ad litem for indigent persons.

(e) Compensation paid to jurors.

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

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

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

(4) If a trial court has not reported information on each of the items described in subsection (2) for the 1990-91 fiscal year, as required under subsection (2), the state court administrative office shall calculate the trial court operational expenses for that court based on the information received. A local funding unit may report additional 1990-91 fiscal year trial court operational expenses if the information on the expenses that has already been reported to the state court administrative office is incomplete or incorrect and the additional information is confirmed by an independent audit, paid for by the local funding unit and approved by the state court administrator. Information confirmed by an independent audit shall be included by the state court administrative office in its calculation of trial court operational expenses under this subsection.

(5) The state court administrative office shall monitor the trends in the ratio of trial court operational expenses to court revenues for each county and district funding unit. In analyzing differences in the ratio of court operational expenses to court revenues for a county or district funding unit from the ratio of expenses to court revenues based on expense data reported by that county or district funding unit for 1990-91 and court revenue data reported by that county or district funding unit for 1990-91, the state court administrator shall consider changes in fees impacting revenue generation, changes in court responsibilities impacting workload, statewide trends in expenses to revenue ratios, and increases in expenses due to inflation. Upon determining that the ratio of expenses to court revenues for a county and district funding unit differs significantly from statewide trends, the state court administrator shall conduct a review of the budget and court management of the court or courts funded by that county or district funding unit. The state court administrator shall then submit a report to the senate and house appropriations subcommittees on general government. In the following state fiscal year, the legislature may authorize adjustments to the funding from the state court fund created in section 151a for which those counties or district funding units would otherwise be entitled pursuant to this section.

(6) The funds to which a county or district funding unit is entitled under subsection (1) shall be offset by the sum of court revenues collected by that county or district funding unit in the 1990-91 state fiscal year and any state funding in the 1990-91 fiscal year received by the county or district funding unit for trial court operational expenses, including judges' salaries, Michigan friend of the court funds, and child care funds. The

amount of the offset of court revenues shall be equal to the percentage of trial court operational expenses funded for that county, or, in the case of a district of the third class, that district funding unit. However, an offset under this subsection shall not reduce the funding to which the county or district control unit is entitled to less than zero.

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

- (a) Penal fines.
- (b) Revenue dedicated to the state general fund.
- (c) Revenue dedicated to a restricted state fund or state purpose.
- (d) Revenue dedicated to a friend of the court fund.

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

History: Add. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1993, Act 189, Imd. Eff. Oct. 8, 1993;—Am. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

"Conditional effective date; action constituting exercise of option; effect of exercising option.

"Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

"(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978."

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

"Effective date of certain sections.

"Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981."