

Act No. 374
Public Acts of 1996
Approved by the Governor
July 17, 1996
Filed with the Secretary of State
July 17, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. Nye, Walberg, Voorhees, LeTarte, Middleton, Green, Geiger, Bobier, Law, Bush, Galloway and Llewellyn
Reps. Brackenridge, Byl, Crissman, Dalman, DeLange, DeMars, Dobb, Dolan, Gernaat, Gilmer, Gnodtke, Goschka, Gustafson, Hammerstrom, Horton, Jaye, Jellema, Johnson, Kaza, Kukuk, London, McBryde, McManus, Middaugh, Perricone, Ryan, Sikkema and Whyman named co-sponsors

ENROLLED HOUSE BILL No. 5158

AN ACT to amend sections 151a, 225, 304, 555, 591, 593, 594, 595, 815, 821, 822, 1114, 1168, 1302, 1303, 1481, 1501, 4803, 8104, 8202, 8271, 8273, 8275, 8314, 8315, 8342, 8381, 8521, 8621, 9945, and 9947 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," section 151a as added and sections 8381 and 9947 as amended by Act No. 189 of the Public Acts of 1993, section 225 as amended by Act No. 185 of the Public Acts of 1990, sections 304, 555, 821, 822, and 8202 as amended by Act No. 259 of the Public Acts of 1995, sections 591, 593, 595, 8273, and 9945 as added and sections 1302, 1303, 1481, 8271, and 8521 as amended by Act No. 438 of the Public Acts of 1980, sections 594 and 8275 as amended by Act No. 319 of the Public Acts of 1984, sections 1114, 1168, and 8621 as amended by Act No. 308 of the Public Acts of 1986, section 4803 as amended by Act No. 317 of the Public Acts of 1993, section 8104 as amended by Act No. 127 of the Public Acts of 1980, section 8314 as amended by Act No. 278 of the Public Acts of 1984, and section 8342 as amended by Act No. 375 of the Public Acts of 1994, being sections 600.151a, 600.225, 600.304, 600.555, 600.591, 600.593, 600.594, 600.595, 600.815, 600.821, 600.822, 600.1114, 600.1168, 600.1302, 600.1303, 600.1481, 600.1501, 600.4803, 600.8104, 600.8202, 600.8271, 600.8273, 600.8275, 600.8314, 600.8315, 600.8342, 600.8381, 600.8521, 600.8621, 600.9945, and 600.9947 of the Michigan Compiled Laws; to add sections 151b, 151c, 222, 235, 238, 241, 593a, 837, 1486, 1487, 8274, 9108, 9931, 9932, and 9948; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 151a, 225, 304, 555, 591, 593, 594, 595, 815, 821, 822, 1114, 1168, 1302, 1303, 1481, 1501, 4803, 8104, 8202, 8271, 8273, 8275, 8314, 8315, 8342, 8381, 8521, 8621, 9945, and 9947 of Act No. 236 of the Public Acts of 1961, section 151a as added and sections 8381 and 9947 as amended by Act No. 189 of the Public Acts of 1993, section 225 as amended by Act No. 185 of the Public Acts of 1990, sections 304, 555, 821, 822, and 8202 as amended by Act No. 259 of the Public Acts of 1995, sections 591, 593, 595, 8273, and 9945 as added and sections 1302, 1303, 1481, 8271, and 8521 as amended by Act No. 438 of the Public Acts of 1980, sections 594 and 8275 as amended by Act No. 319 of the Public Acts of 1984, sections 1114, 1168, and 8621 as amended by Act No. 308 of the Public Acts of 1986, section 4803 as amended by Act No. 317 of the Public Acts of 1993, section 8104 as amended by Act No. 127 of the Public Acts of 1980, section 8314 as amended by Act No. 278 of the Public Acts of 1984, and section 8342 as amended by Act No. 375 of the Public Acts of

1994, being sections 600.151a, 600.225, 600.304, 600.555, 600.591, 600.593, 600.594, 600.595, 600.815, 600.821, 600.822, 600.1114, 600.1168, 600.1302, 600.1303, 600.1481, 600.1501, 600.4803, 600.8104, 600.8202, 600.8271, 600.8273, 600.8275, 600.8314, 600.8315, 600.8342, 600.8381, 600.8521, 600.8621, 600.9945, and 600.9947 of the Michigan Compiled Laws, are amended and sections 151b, 151c, 222, 235, 238, 241, 593a, 837, 1486, 1487, 8274, 9108, 9931, 9932, and 9948 are added to read as follows:

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

(2) The state treasurer shall credit to the state court fund deposits of proceeds from the collection of revenue from court fees as provided in this act, and shall credit all income from investment credited to the fund by the state treasurer. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment of money in the fund. The unencumbered balance remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund.

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

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

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

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

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

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

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

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

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

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

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

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

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

(a) To the state court administrator for the operational expenses of trial courts in counties other than the counties of the trial courts described in subdivision (c), \$1,600,000.00, with the balance of the fund being distributed according to subdivisions (b) to (e).

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

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

(d) For indigent civil legal assistance to be distributed under section 1485, and to the state court administrator for the operation of the court of appeals to alleviate the backlog in that court's caseload, 23% of the balance of the fund. Of

the amount allocated under this subdivision, \$2,000,000.00 shall be allocated for the court of appeals and the remainder of the amount shall be allocated for indigent civil legal assistance.

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

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

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

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

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

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

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

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

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

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

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

(8) Distributions of funds under this section shall be made every 3 months.

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

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

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

(c) State general funds in an amount as follows:

(i) For the state fiscal year beginning October 1, 1996, \$24,000,000.00.

(ii) For the state fiscal year beginning October 1, 1997, \$28,000,000.00.

(iii) For the state fiscal year beginning October 1, 1998, \$32,000,000.00.

(iv) For the state fiscal year beginning October 1, 1999, \$36,000,000.00.

(v) For the state fiscal year beginning October 1, 2000, \$40,000,000.00.

(vi) For the state fiscal year beginning October 1, 2001 and each subsequent state fiscal year, \$44,000,000.00.

(2) For each state fiscal year, the state court administrative office shall do all of the following:

(a) Determine the relative caseload of each county and multiply that percentage by the total amount available for distribution from the court equity fund described in subsection (1) for that fiscal year.

(b) Determine the number of circuit, recorder's court, probate, and district judges for each county and the ratio of that sum to the total number of the circuit, recorder's court, probate, and district court judges statewide. If a judge serves more than 1 county, the county shall be credited for that judge only for the fraction of the judicial salary standardization payment the state reimburses that county.

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

(d) Total the results for all counties determined under subdivision (c).

(e) Divide the amount determined under subdivision (c) for each county by the total determined under subdivision (d) and multiply the amount by the total amount available for distribution for the court equity fund described in subsection (1) for that fiscal year. This represents the funds a county shall receive from the court equity fund.

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

- (a) For the state fiscal year beginning October 1, 1996, \$20,000,000.00.
- (b) For the state fiscal year beginning October 1, 1997, \$16,000,000.00.
- (c) For the state fiscal year beginning October 1, 1998, \$12,000,000.00.
- (d) For the state fiscal year beginning October 1, 1999, \$8,000,000.00.
- (e) For the state fiscal year beginning October 1, 2000, \$4,000,000.00.

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

(a) If a county receives a smaller amount under the formula in subsection (2) in a fiscal year than the amount that it received from the state court fund for the state fiscal year beginning October 1, 1995, the county shall receive the difference.

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

(c) The county of Wayne shall receive the difference of \$22,820,300.00 (being the amount of general fund/general purpose funds allocated to the third judicial circuit, recorder's court, and Wayne county clerk services by the supreme court for the state fiscal year beginning October 1, 1995, plus the amount of the state court fund allocated to the third judicial circuit, recorder's court, and Wayne county clerk services by the supreme court for the state fiscal year beginning October 1, 1995) minus the amount the county of Wayne receives under the formula in subsection (2) in that state fiscal year.

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

(i) The \$28,887,300.00 allocated by the supreme court as expenses for the district court in the thirty-sixth district for the state fiscal year beginning October 1, 1995.

(ii) The total of the following:

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

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

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

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

(E) Any funds from private sources.

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

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

(7) The formula in subsection (2) does not include, for purposes of applying the formula, the caseload of the district court in any district or any municipal court.

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

(9) As used in this section:

(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 percentage derived by dividing the sum of the amounts determined under the following subparagraphs (i) and (ii) by the sum of the caseloads 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:

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

(ii) One of the following:

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

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

Sec. 151c. A county or a group of counties may by resolution create a local court management council pursuant to Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws. A council created under this section may be given the responsibility for coordinating the delivery of court services within that county or those counties.

Sec. 222. (1) The trial court assessment commission is created within the legislative council.

(2) The commission shall study and classify the civil and criminal cases filed in the district, circuit, and probate courts and recorder's court of the city of Detroit and shall develop a set of criteria for determining the relative complexity of the various types of cases filed. The commission shall then apply the criteria to the caseloads of the district, circuit, and probate courts and recorder's court of the city of Detroit and shall recommend to the legislature by July 15, 1997 a funding formula for the money appropriated annually by this state for the operation of those courts. For each county and district funding unit, the funding formula shall take into account both the total caseload and the relative complexity of the cases that comprise that caseload.

(3) By October 1 of each odd numbered year, the commission shall report to the legislature all of the following:

(a) A detailed recommendation of the number of circuit, probate, and district judges necessary to dispose of the trial court caseload in this state.

(b) A report concerning the need for revisions to the courts or court system of the state, including but not limited to the issue of part-time probate judges, and proposals for implementing any recommendations.

(c) An analysis of the implementation of any revisions in the courts or court system of the state based on monitoring and review of the implementation.

(4) The commission shall consist of the following members:

(a) Six judges appointed by the governor with the consent of the senate from lists of candidates recommended by the chief justice of the supreme court as follows:

(i) Three judges, 1 from the circuit court or recorder's court of the city of Detroit, 1 from the probate court, and 1 from the district court, selected from counties with a population of more than 200,000.

(ii) Three judges, 1 from the circuit court, 1 from the probate court, and 1 from the district court, selected from counties with a population of 200,000 or less.

(b) A local court administrator appointed by the governor with the consent of the senate from a list of candidates recommended by the state court administrator.

(c) Five members representing the interests of local governments, appointed by the governor, with the consent of the senate, as follows:

(i) Two from a list of candidates recommended by the Michigan association of counties.

(ii) Two from a list of candidates recommended by the Michigan municipal league.

(iii) One from a list of candidates recommended by the Michigan townships association.

(d) Two members appointed by the governor with the consent of the senate from a list of candidates recommended by the state bar of Michigan.

(e) Two elected and serving members of the senate, 1 of whom shall be appointed by the senate majority leader and 1 of whom shall be appointed by the senate minority leader.

(f) Two elected and serving members of the house of representatives, 1 of whom shall be appointed by the speaker of the house of representatives and 1 of whom shall be appointed by the house minority leader.

(g) The director of the department of management and budget, or his or her designee.

(h) Four public members appointed by the governor, 1 from each of the 4 judicial districts for the election of judges of the court of appeals as described in section 302, at least 1 of whom shall be a certified public accountant.

(5) The members first appointed to the commission shall be appointed within 30 days after the effective date of this section.

(6) Members of the commission shall serve for a term of 2 years each or until a successor is appointed, whichever is later.

(7) If a vacancy occurs on the commission, a successor shall be appointed in the same manner as the original appointment to serve the balance of the term.

(8) The governor shall appoint the chairperson from among the 4 public members of the commission. The first meeting of the commission shall occur within 90 days after the effective date of this section.

(9) A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members serving and voting are required for official action of the commission.

(10) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(11) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(12) Members of the commission shall serve without compensation, except that members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

Sec. 225. (1) The supreme court may assign an elected judge of any court to serve as a judge in any other court in this state, except as provided in subsection (3). The assignment of a judge under this subsection shall be for a limited period or specific assignment.

(2) The authority granted by this section may be exercised by the supreme court at its discretion through its direct order, or through the court administrator. The court should particularly consider those cases where the chief judge of a court has asked that another judge be sent to that court and has properly shown any of the following:

- (a) That the business of that court has increased beyond the capacity of the judge or judges to properly dispose of.
- (b) That a vacancy exists in the office of the judge of the court.
- (c) That a judge is unable to discharge the duties of his or her office.
- (d) Any other sufficient reason.

(3) All assignments and reassignments of cases filed in any court in a county shall be made among the judges of that county, unless no trial court judge in that county is qualified and able to undertake a particular case. A judge of 1 county shall not be assigned to serve as a judge in another county unless no other trial court judge in the county needing assistance is able to render that assistance.

(4) Judges assigned pursuant to subsection (1) shall hold court and fulfill the duties of the office just as they would had they been elected in the respective court for the time they were assigned to serve.

(5) The county or district funding unit responsible for the maintenance and operation of the court shall provide suitable places where judges shall hold court.

(6) A judge who is assigned as provided in this section shall receive as salary for each day he or she serves in the court 1/250 of the amount by which the total annual salary of a judge of the court to which he or she is assigned exceeds his or her total annual salary. The salary provided in this subsection is payable by the county or district control unit or units that have provided an additional salary for the judicial office to which the judge is assigned. In addition to that salary, a judge assigned as provided in this section shall be entitled to receive actual and necessary expenses for travel, meals, and lodging from the county or district funding unit or units that are responsible for the maintenance and operation of the trial court to which the judge is assigned. The salary and expenses shall be payable at the same time and in the same manner as provided for the judicial office to which the judge is assigned. The same source or sources paying the salary shall return to the respective counties in which the assigned circuit or probate judge was appointed or elected, or to the respective district control units of the district in which an assigned district judge was appointed or elected, for each day served, 1/250 of the annual additional salary paid by those counties or district control units to the judge assigned as provided in this section. The same source or sources paying the salary required by this subsection to a recorder's court judge shall return to the state for each day so served 1/250 of the annual additional salary paid to the recorder's court judge so assigned. As used in this section, "court" means the various circuits of the circuit court, the recorder's court of the city of Detroit, the various counties and probate court districts of the probate court, and the various districts of the district court.

(7) A municipal judge who is assigned as provided in this section shall be compensated as provided in section 225a.

Sec. 235. (1) The supreme court shall appoint a chief judge for each county that is not part of a multicounty judicial circuit. The chief judge of a county shall then appoint a chief judge of the circuit court in that county, a chief judge of the probate court in that county, and a chief judge of the district court in each district in that county.

(2) The chief judge of the county shall adopt procedures for the assignment of cases and for the reassignment of cases, and procedures for the assignment of judges between courts, trial divisions, and districts in that county, subject to section 225(3).

Sec. 238. (1) The supreme court shall create a judicial performance commission. The commission shall develop standards for evaluating the performance of all judges in this state. The results of the evaluation of judges according to the standards shall be made available to the public on an annual basis, beginning June 1, 1999.

(2) Beginning on January 1, 2000, unless the standards described in subsection (1) are developed and implemented, the trial court performance standards published by the national center for state courts shall be implemented, with each judge making public an annual report on how that judge has complied with each standard.

Sec. 241. The legislature shall annually appropriate, by line-item and not lump-sum budget, funds for the operation of the judicial branch.

Sec. 304. (1) Effective January 1, 1997, and subject to subsection (2), each judge of the court of appeals shall receive an annual salary equal to the greater of the following:

(a) 92% of the annual salary of a justice of the supreme court of this state.

(b) \$114,007.00.

(2) An increase in the amount of salary payable to a judge of the court of appeals caused by an increase in the salary of a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

(3) The judges shall be reimbursed for their actual and necessary expenses from the state treasury, upon the warrant of the state treasurer.

(4) A judge of the court of appeals shall be eligible to participate in the state contributory insurance programs on the same basis as a justice of the supreme court.

Sec. 555. (1) Subject to subsection (5), each circuit judge shall receive an annual salary payable by the state as provided in this section and may receive from any county in which he or she regularly holds court an additional salary as determined from time to time by the county board of commissioners. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court in that county.

(2) Until the salary of a justice of the supreme court exceeds \$128,538.00, each circuit judge shall receive an annual salary determined as follows:

(a) An annual salary payable by the state of \$65,314.00.

(b) An additional salary payable by the county or counties of the judicial circuit. The state shall reimburse to a county or counties paying an additional salary to a circuit judge \$43,943.00, if the total additional salary, including any cost-of-living allowance, payable by that county or counties to a circuit judge is not less than or more than \$43,943.00. If the county or counties pay a circuit judge less than or more than \$43,943.00, the county or counties are not entitled to reimbursement from the state under this subsection.

(3) If the salary of a justice of the supreme court exceeds \$128,538.00 but is not more than \$130,633.00, each circuit judge shall receive an annual salary determined as follows:

(a) An annual salary payable by the state of \$65,314.00.

(b) An additional salary payable by the county or counties of the judicial circuit. If a county or counties paying an additional salary to a circuit judge pay a circuit judge the difference between 85% of the salary of a justice of the supreme court and \$65,314.00, the state shall reimburse to the county or counties that amount. If the county or counties pay a circuit judge an additional salary, including any cost-of-living allowance, that exceeds that amount, the county or counties are not entitled to reimbursement from the state under this subsection.

(4) If the salary of a justice of the supreme court exceeds \$130,633.00, each circuit judge shall receive an annual salary determined as follows:

(a) An annual salary payable by the state that is the difference between 85% of the salary of a justice of the supreme court and \$45,724.00.

(b) An additional salary payable by the county or counties of the judicial circuit. The state shall reimburse to a county or counties paying an additional salary to a circuit judge \$45,724.00, if the total additional salary, including any cost-of-living allowance, payable by that county or counties to a circuit judge is not less than or more than \$45,724.00.

If the county or counties pay a circuit judge less than or more than \$45,724.00, the county or counties are not entitled to reimbursement from the state under this subsection.

(5) An increase in the amount of salary payable to a judge under subsection (1) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

(6) Each circuit judge who holds court in a county other than the county of his or her residence shall be reimbursed for his or her actual and necessary expenses incurred in holding court. Each circuit judge entitled to the reimbursement shall certify the expenses incurred to the court administrator for allowance. Upon allowance by the administrator, the state treasurer shall issue a warrant on the state treasury for payment.

(7) A circuit judge whose case load is less than other circuit judges may be authorized by the supreme court or state court administrator to assist other courts and perform other judicial duties, for limited periods or specific assignments. This subsection shall not be construed as a directive to the supreme court or state court administrator.

Sec. 591. (1) The county board of commissioners in each county shall annually appropriate, by line-item or lump-sum budget, funds for the operation of the circuit court in that county. However, before a county board of commissioners may appropriate a lump-sum budget, the chief judge of the judicial circuit shall submit to the county board of commissioners a budget request in line-item form with appropriate detail. A court that receives a line-item budget shall not exceed a line-item appropriation or transfer funds between line items without the prior approval of the county board of commissioners. A court that receives a lump-sum budget shall not exceed that budget without the prior approval of the county board of commissioners.

(2) In a single-county circuit, the county is the employer of the county-paid employees of the circuit court in that county. In a multicounty circuit, the employer of the county-paid employees of the circuit court shall be as follows:

(a) As determined pursuant to a contract entered into by the counties within the circuit under Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws.

(b) If the counties within the circuit do not enter into an agreement described in subdivision (a), each county is the employer of the county-paid employees who serve in that county or who are designated by agreement of the counties within the circuit as being employed by that county.

(3) The employer of county-paid employees of the circuit court designated under subsection (2), in concurrence with the chief judge of the circuit court, has the following authority:

(a) To establish personnel policies and procedures, including, but not limited to, policies and procedures relating to compensation, fringe benefits, pensions, holidays, leave, work schedules, discipline, grievances, personnel records, probation, and hiring and termination practices.

(b) To make and enter into collective bargaining agreements with representatives of the county-paid employees of the circuit court in that county or in the counties covered by a contract entered into under subsection (2)(a).

(4) If the employer of the county-paid employees of the circuit court and the chief judge of the circuit court are not able to concur on the exercise of their authority as to any matter described in subsection (3)(a), that authority shall be exercised by either the employer or the chief judge as follows:

(a) The employer has the authority to establish policies and procedures relating to compensation, fringe benefits, pensions, holidays, and leave.

(b) The chief judge has authority to establish policies and procedures relating to work schedules, discipline, grievances, personnel records, probation, hiring and termination practices, and other personnel matters not included in subdivision (a).

(5) The employer of the county-paid employees of the circuit court designated under subsection (2) and the chief judge of the circuit court each may appoint an agent for collective bargaining conducted under subsections (3) and (4).

(6) The chief judge of the circuit court in the county may elect not to participate in the collective bargaining process for county-paid employees of the circuit court.

(7) Except as otherwise provided by law, the chief judge of the circuit court in each judicial circuit shall appoint, supervise, discipline, or dismiss the employees of the circuit court in that judicial circuit in accordance with personnel policies and procedures developed pursuant to subsection (3) or (4) and any applicable collective bargaining agreement. Compensation of the employees of the circuit court in each judicial circuit shall be paid by the county or counties comprising the judicial circuit.

(8) If the implementation of the 1996 amendatory act that amended this section requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the appropriate employer designated under subsection (2) subject to all rights and benefits they held

with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this subsection may be altered by a future collective bargaining agreement.

(9) The employer designated under subsection (2) shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

(10) When performing services in a courtroom, employees of the circuit court are subject to the control of the judge holding court in the courtroom.

(11) Subsections (2) to (9) shall not apply to the employees serving in the circuit court in the third judicial circuit.

(12) The role of the chief judge under this section is that of the principal administrator of the officers and personnel of the court and is not that of a representative of a source of funding. The state is not a party to the contract. Except as otherwise provided by law, the state is not the employer of court officers or personnel and is not liable for claims arising out of the employment relationship of court officers or personnel or arising out of the conduct of court officers or personnel.

(13) As used in this section, "county-paid employees of the circuit court" means persons employed in the circuit court in a county who receive any compensation as a direct result of an annual budget appropriation approved by the county board of commissioners of that county, but does not include a judge of the circuit court.

Sec. 593. Effective October 1, 1996, each employee of the former state judicial council serving in the circuit court in the third judicial circuit shall become an employee of the Wayne county judicial council if that council is created pursuant to section 593a, or, if that council is not created, shall become an employee of the county of Wayne.

Sec. 593a. (1) The county board of commissioners of the county of Wayne, by resolution, may create the Wayne county judicial council. The council shall be created not later than September 30, 1996, and, if created, shall begin exercising its powers and duties effective October 1, 1996.

(2) The Wayne county judicial council, if created, shall be a successor agency to the state judicial council and, effective October 1, 1996, shall be the employer of those employees of the former state judicial council assigned to serve in the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. The composition of the Wayne county judicial council and its powers and duties shall be as prescribed by resolution of the county board of commissioners of the county of Wayne.

(3) If the Wayne county judicial council is not created pursuant to subsection (1), the employees of the former state judicial council serving in the circuit court in the third judicial circuit or in the recorder's court of the city of Detroit shall become employees of the county of Wayne, effective October 1, 1996.

(4) The employer designated under subsection (2) or (3), in concurrence with the chief judge of the appropriate court, has the following authority:

(a) To establish personnel policies and procedures, including, but not limited to, policies and procedures relating to compensation, fringe benefits, pensions, holidays, leave, work schedules, discipline, grievances, personnel records, probation, and hiring and termination practices.

(b) To make and enter into collective bargaining agreements with representatives of those employees.

(5) If the employer designated under subsection (2) or (3) and the appropriate chief judge are not able to concur on the exercise of their authority as to any matter described in subsection (4)(a), that authority shall be exercised by either the employer or the chief judge as follows:

(a) The employer has the authority to establish policies and procedures relating to compensation, fringe benefits, pensions, holidays, and leave.

(b) The chief judge has authority to establish policies and procedures relating to work schedules, discipline, grievances, personnel records, probation, hiring and termination practices, and other personnel matters not included in subdivision (a).

(6) The employer and the chief judge each may appoint an agent for collective bargaining conducted under subsections (4) and (5).

(7) The chief judge of the circuit court in the third judicial circuit or of the recorder's court may elect not to participate in the collective bargaining process for the employees in that court.

(8) Except as otherwise provided by law, the chief judge of the circuit court in the third judicial circuit or of the recorder's court shall appoint, supervise, discipline, or dismiss the employees of that court in accordance with personnel

policies and procedures developed pursuant to subsection (4) or (5) and any applicable collective bargaining agreement. Compensation of the employees serving in the circuit court in the third judicial circuit and serving in the recorder's court of the city of Detroit shall be paid by the county of Wayne.

(9) The role of the chief judge under this section is that of the principal administrator of the officers and personnel of the court and is not that of a representative of a source of funding. The state is not a party to the contract. Except as otherwise provided by law, the state is not the employer of court officers or personnel and is not liable for claims arising out of the employment relationship of court officers or personnel or arising out of the conduct of court officers or personnel.

(10) All employees of the former state judicial council serving in the circuit court in the third judicial circuit or in the recorder's court shall be transferred to, and appointed as, employees of the appropriate employer designated under subsection (2) or (3), subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this subsection may be altered by a future collective bargaining agreement or, for employees not covered by collective bargaining agreements, by benefit plans as established and adopted by the personnel and human resource department of the governmental unit paying their compensation. An employee who is transferred shall not be made subject to any residency requirements by the employer designated under subsection (2) or (3).

(11) The appropriate employer designated under subsection (2) or (3) shall assume and be bound by any existing collective bargaining agreement held by the former state judicial council and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

(12) Annual leave which an employee of the circuit court in the third judicial circuit or the recorder's court of the city of Detroit has accumulated before October 1, 1996, but not in excess of 160 hours, shall be transferred with the employee as a result of the employee becoming an employee of the employer designated under subsection (2) or (3). The legislature, by law, shall provide such an employee with an option to receive a cash payment for the value of the employee's accumulated annual leave in excess of 160 hours to be paid over a period of time not to exceed 2 years, or a payment of that amount in the form of deferred compensation.

(13) The appropriate employer designated under subsection (2) or (3) shall pay to the state employees' retirement system, on a quarterly basis, an amount based upon the contribution rates determined under section 38 of the state employees' retirement act, Act No. 240 of the Public Acts of 1943, being section 38.38 of the Michigan Compiled Laws, in the manner prescribed by the state employees' retirement system.

Sec. 594. An employee of the former state judicial council serving in the circuit court in the third judicial circuit who becomes an employee of the Wayne county judicial council or the county of Wayne serving in the circuit court in the third judicial circuit on October 1, 1996 shall remain a member of the state employees' retirement system created by the state employees' retirement act, Act No. 240 of the Public Acts of 1943, being sections 38.1 to 38.49 of the Michigan Compiled Laws. An employee of the former state judicial council serving in the recorder's court of the city of Detroit who becomes an employee of the Wayne county judicial council or the county of Wayne serving in the recorder's court of the city of Detroit on October 1, 1996 shall remain a member of the state employees' retirement system created by the state employees retirement act, Act No. 240 of the Public Acts of 1943, being sections 38.1 to 38.49 of the Michigan Compiled Laws.

Sec. 595. All personal property, including equipment and furniture, that was owned by the circuit court in the third judicial circuit on the effective date of the 1996 amendatory act that amended this section or that was owned and furnished by the state of Michigan to the circuit court in the third judicial circuit on the effective date of the 1996 amendatory act that amended this section and all personal property subsequently purchased by or furnished to that court, shall remain with the court until October 1, 1996, at which time the property shall become the property of the county of Wayne, and shall continue to be used to the benefit of the circuit court in the third judicial circuit. The state shall reimburse the county of Wayne for any property furnished by the state to the court which is removed from the court between June 27, 1996, and the effective date of the 1996 amendatory act that amended this section.

Sec. 815. The probate court shall not have terms of court. The probate court shall be open at all reasonable times as fixed by the probate judge or, in counties having more than 1 probate judge, the chief judge. The probate court may hold evening and weekend sessions.

Sec. 821. (1) The following probate judges shall not engage in the practice of law other than as a judge and shall receive, subject to subsection (7), an annual salary provided in this section:

(a) A probate judge of a county that is not part of a proposed probate court district described in section 807.

(b) The probate judge in each probate court district in which a majority of the electors voting on the question in each county of probate court district has approved or approves creation of the district.

(c) A probate judge in a county having a population of 15,000 or more, if the county is not part of a probate court district created pursuant to law.

(2) Until the salary of a justice of the supreme court exceeds \$125,912.00, each probate judge shall receive an annual salary of \$104,507.00 determined as follows:

(a) A minimum annual salary of \$58,783.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(3) If the salary of a justice of the supreme court exceeds \$125,912.00, each probate judge shall receive an annual salary determined as follows:

(a) A minimum annual salary of the difference between 83% of the salary of a justice of the supreme court and \$45,724.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(4) Six thousand dollars of the minimum annual salary provided in subsection (2), (3), or (4) shall be paid by the county, or by the counties comprising a probate court district, and the balance of that minimum annual salary shall be paid by the state as a grant to the county or the counties comprising the probate court district. The county, or the counties comprising the probate court district, shall in turn pay that amount to the probate judge. Beginning January 1, 1997, the state shall annually reimburse the county or counties \$6,000.00 for each probate judge to offset the cost of the county or counties required by this section.

(5) The salary provided in this section shall be full compensation for all services performed by a probate judge, except as otherwise provided by law. In a probate court district, each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district.

(6) An additional salary determined by the county board of commissioners may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county. In a county where an additional salary is granted, it shall be paid at the same rate to all probate judges regularly holding court in the county.

(7) An increase in the amount of salary payable to a judge under subsection (1) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

Sec. 822. (1) The probate judge of a county having a population of less than 15,000 and comprising part of a proposed probate court district in which the electors of 1 or more counties thereof did not approve the same shall receive an annual salary of \$20,000.00. Six thousand dollars of the minimum annual salary provided by this subsection shall be paid by the county and the balance of the minimum annual salary shall be paid by the state as a grant to the county. The county shall, in turn, pay that amount to the probate judge.

(2) The annual salary provided in subsection (1) may be increased but shall not be decreased during the term for which the probate judge has been elected or appointed. This salary shall be in full compensation for all services performed by the person as probate judge, except as otherwise provided by law. A probate judge whose annual salary is provided in subsection (1) shall not represent a party in a contested proceeding in the probate court of this state.

(3) In addition to the salary provided in subsection (1), a probate judge may receive from the county in which he or she regularly holds court an additional salary of not more than \$43,000.00, as determined by the county board of commissioners. The additional salary may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county.

(4) The total annual salary of a probate judge, including the salary provided in subsection (1) and any additional salary granted by the county under subsection (3), shall not exceed \$63,000.00.

(5) From funds appropriated to the judiciary, the state shall pay to a county described in subsection (1) a state salary standardization payment of \$5,750.00 for each probate judge and an additional payment of \$6,000.00 for each probate judge to offset the portion of minimum annual salary paid by the county.

Sec. 837. (1) The county board of commissioners in each county shall annually appropriate, by line-item or lump-sum budget, funds for the operation of the probate court in that county. However, before a county board of commissioners may appropriate a lump-sum budget, the chief judge of the probate court in that county or that probate district shall submit to the county board of commissioners a budget request in line-item form with appropriate detail. A court that receives a line-item budget shall not exceed a line-item appropriation or transfer funds between line items without the prior approval of the county board of commissioners. A court that receives a lump-sum budget shall not exceed that budget without the prior approval of the county board of commissioners.

(2) In a county that is not part of a probate district, the county is the employer of the county-paid employees of the probate court in that county. In a probate district, the employer of the county-paid employees of the probate court shall be as follows:

(a) As determined pursuant to a contract entered into by the counties within the probate district under Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws.

(b) If the counties within the probate district do not enter into an agreement described in subdivision (a), each county is the employer of the county-paid employees of the probate court who serve in that county or who are designated by agreement of the counties within the probate district as being employed by that county.

(3) The employer of county-paid employees of the probate court designated under subsection (2), in concurrence with the chief judge of the probate court, has the following authority:

(a) To establish personnel policies and procedures, including, but not limited to, policies and procedures relating to compensation, fringe benefits, pensions, holidays, leave, work schedules, discipline, grievances, personnel records, probation, and hiring and termination practices.

(b) To make and enter into collective bargaining agreements with representatives of the county-paid employees of the probate court in that county or in the counties covered by a contract entered into under subsection (2)(a).

(4) If the employer of the county-paid employees of the probate court and the chief judge of the probate court are not able to concur on the exercise of their authority as to any matter described in subsection (3)(a), that authority shall be exercised by either the employer or the chief judge as follows:

(a) The employer has the authority to establish policies and procedures relating to compensation, fringe benefits, pensions, holidays, and leave.

(b) The chief judge has authority to establish policies and procedures relating to work schedules, discipline, grievances, personnel records, probation, hiring and termination practices, and other personnel matters not included in subdivision (a).

(5) The employer of the county-paid employees of the probate court designated under subsection (2) and the chief judge of the probate court each may appoint an agent for collective bargaining conducted under subsections (3) and (4).

(6) The chief judge of the probate court in the county may elect not to participate in the collective bargaining process for county-paid employees of the probate court.

(7) Except as otherwise provided by law, the chief judge of the probate court in a county or probate court district shall appoint, supervise, discipline, or dismiss the employees of the probate court in that county or probate court district in accordance with personnel policies and procedures developed pursuant to subsection (3) or (4) and any applicable collective bargaining agreement. Compensation of the employees of the probate court shall be paid by the county or, in the case of a probate district, by the counties comprising the probate court district.

(8) If the implementation of the 1996 amendatory act that amended this section requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the appropriate employer designated under subsection (2) subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this subsection may be altered by a future collective bargaining agreement.

(9) The employer designated under subsection (2) shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

(10) When performing services in a courtroom, employees of the probate court are subject to the control of the judge holding court in the courtroom.

(11) The role of the chief judge under this section is that of the principal administrator of the officers and personnel of the court and is not that of a representative of a source of funding. The state is not a party to the contract. Except as otherwise provided by law, the state is not the employer of court officers or personnel and is not liable for claims

arising out of the employment relationship of court officers or personnel or arising out of the conduct of court officers or personnel.

(12) As used in this section, "county-paid employees of the probate court" means persons employed in the probate court in a county who receive any compensation as a direct result of an annual budget appropriation approved by the county board of commissioners of that county, but does not include a judge of the probate court.

Sec. 1114. The reporter or recorder of each circuit shall receive as compensation for his or her services the salary specified in this chapter payable in monthly installments out of the treasuries of the counties composing the circuit of which he or she is the reporter or recorder upon the order of the clerk of the court or board of county auditors who are authorized and required to draw the orders. The county treasurer shall pay an installment upon presentation of an order.

Sec. 1168. The county board of commissioners of the counties comprising any judicial circuit may appropriate annually from the general fund additional amounts to supplement the salary of any reporter or recorder.

Sec. 1302. The jury board shall elect annually from its members a president and secretary. The members of the board shall be paid an annual salary in an amount fixed by the board of commissioners or, instead of an annual salary, be paid an amount fixed by the board of commissioners for each day of service. A majority of the board constitutes a quorum.

Sec. 1303. The county board of commissioners of each county may authorize assistants to the jury board and fix their salaries.

Sec. 1481. (1) In every state court of record in Michigan inferior to the supreme court which has 10 or more judges, the judges may appoint an attorney to serve as judicial assistant to their court. A judicial assistant shall subscribe a constitutional oath of office administered by the presiding judge of the court and shall file the oath with the secretary of state, whereupon the governor shall issue to the judicial assistant an official certificate of appointment under seal. A judicial assistant shall be an attorney in good standing, licensed to practice in all courts of the state of Michigan and in the United States supreme court, shall have at least 5 years of active practice, including appellate experience, and preferably shall have had prior experience in government service in a legal capacity.

(2) A judicial assistant, acting under the direction of the judges, shall confer with the judges upon pending matters of procedure and substantive law; conduct legal research, analyze briefs submitted and referred to the judicial assistant for comment and recommendation; study pending legislation and current decisions for their possible impact on court problems, and keep the judges and court officers advised thereon; recommend remedial legislation and draft that legislation, and draft legislation suggested or requested by judges or court officials; act as official legal advisor to all departments of the court; represent the court, the judges or court officers in court matters arising out of their official duties in situations wherein the prosecuting attorney or attorney general has conflicting interest or responsibilities, or is otherwise disqualified; including court matters of original, as well as appellate jurisdiction affecting the court; and act as amicus curiae in appellate matters of interest to the court.

(3) The compensation of a judicial assistant shall be fixed by the recommending judges within the sum appropriated therefor by the legislative body of the governmental unit, other than the state of Michigan, which pays the compensation of those judges. In case 2 or more governmental units contribute to the compensation of those judges, the salary of the judicial assistant shall be paid by the unit, other than the state of Michigan, which contributes the greater portion of such salaries, unless the legislative bodies of the respective units elect to share in paying the compensation of the judicial assistant.

(4) The term of office of the judicial assistant shall be coextensive with the term of the recommending judges, subject to reappointments for like terms. The assistant shall be a public officer. The judicial assistant shall not be subject to civil service regulation, nor to compulsory retirement. Removal during any given term shall be by the governor upon recommendation by the judges of the court.

Sec. 1486. A judge or justice shall not hire or employ a member of his or her immediate family as a court employee or a process server or in any judicial support-related capacity. As used in this section, "member of his or her immediate family" means a person related to the judge or justice by blood or affinity to the third degree. This section does not apply to employees hired before the effective date of this section.

Sec. 1487. A court of this state shall not enter into a contract for \$10,000.00 or more for a good or service, but excluding a contract for indigent legal assistance, unless the court first follows the competitive bid procedures described in section 261 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1261 of the Michigan Compiled Laws. This section does not apply to the basic grant money from the family independence agency.

Sec. 1501. (1) There shall be at least 4 terms of court annually in every county, held at the times designated by the judge or judges of the circuit. The court in its discretion may hold special or adjourned terms.

(2) All causes, matters, and proceedings pending at any court term which is not held because of the absence of the circuit judge are continued until the next term. All persons bound by recognizance or otherwise to appear during such court term shall appear at the next term, and all such recognizances shall continue in force and be as binding and obligatory on the parties thereto as if no failure of a term had occurred, unless a new recognizance, approved according to law, is entered for such appearance.

(3) Whenever the judge of any circuit or superior court fails to attend a court session, the court shall stand adjourned until a judge authorized to hold court is in attendance. The judge authorized to hold court has full power to hear, try, and determine all causes, matters, and proceedings lawfully brought before him within the jurisdiction of the court. Notwithstanding any formal adjournment, the courts shall on all regular dates be deemed to be in actual session from the first day of any term until the first day of the next succeeding term. Judges of circuit courts may hold court for each other.

(4) The court may hold evening and weekend sessions.

Sec. 4803. (1) A person who fails to pay a penalty, fee, or costs in full within 56 days after that amount is due and owing is subject to a late penalty equal to 20% of the amount owed. The court shall inform a person subject to a penalty, fee, or costs that the late penalty will be applied to any amount that continues to be unpaid 56 days after the amount is due and owing. Penalties, fees, and costs are due and owing at the time they are ordered unless the court directs otherwise. The court shall order a specific date on which the penalties, fees, and costs are due and owing. If the court authorizes delayed or installment payments of a penalty, fee, or costs, the court shall inform the person of the date on which, or time schedule under which, the penalty, fee, or costs, or portion of the penalty, fee, or costs, will be due and owing. A late penalty may be waived by the court upon the request of the person subject to the late penalty.

(2) Within 30 days after receiving a late penalty, the clerk of the court shall transmit the amount received to the treasurer or chief financial officer of the funding unit of the court, for deposit in the general fund of the funding unit.

(3) As used in this section, "funding unit" means 1 of the following as applicable:

(a) For the circuit court, each county in the circuit.

(b) For the recorder's court of the city of Detroit, the county.

(c) For the district court, the district funding unit of the district, as defined in section 8104.

(d) For a municipal court, the political unit where the municipal court is located.

Sec. 8104. (1) The term "district funding unit" or "district control unit" means:

(a) The county in districts of the first and second class.

(b) The city or the township in districts of the third class except as provided in subdivision (c).

(c) The city or the incorporated village in districts of the third class in which portions of 2 townships comprise an incorporated village.

(2) Except as otherwise provided in this act, a district funding unit shall be responsible for maintaining, financing, and operating the court only within its political subdivision. In districts of the third class a political subdivision shall not be responsible for the expenses of maintaining, financing, or operating the district court, traffic bureau, or small claims division incurred in any other political subdivision except as provided by section 8621 and other provisions of this act.

(3) One or more district funding units within any district may agree among themselves to share any or all of the expenses of maintaining, financing, or operating the district court. To become effective such agreements must be approved by resolution adopted by the governing body of the respective political subdivisions entering into the agreement, and upon approval such agreements shall become effective and binding in accordance with, to the extent of, and for such period stated in that agreement.

(4) The district funding unit shall supply such law books and legal reference resources as it deems necessary. No subsidy from state funds shall be required to stock any district court created by this act with law books or other legal reference works.

Sec. 8202. (1) Subject to subsection (3), a district judge shall receive an annual salary payable by this state as provided in this section.

(2) In addition to the salary received from this state, a district judge may receive from a district funding unit in which the judge regularly holds court an additional salary as determined by the governing legislative body of the district funding unit as provided in this section. Supplemental salaries paid by a district funding unit shall be uniform as to all judges who regularly hold court in the district funding unit. However, the total annual additional salary paid to a district court judge by the district funding units in which the judge regularly holds court shall not cause the district

judge's total annual salary received from state and district funding unit funds to exceed the maximum total salary allowed under this section.

(3) An increase in the amount of salary payable to a judge under subsection (1) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

(4) Until the salary of a justice of a supreme court exceeds \$125,912.00, each district judge shall receive an annual salary of \$104,507.00 determined as follows:

(a) An annual salary of \$58,783.00 payable by the state.

(b) An additional salary of \$45,724.00 payable by the district funding unit or units as provided in subsection (2). If a district judge receives a total additional salary of \$45,724.00 from the district funding unit or units and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the district funding unit or units the amount that the unit or units have paid to the judge.

(5) If the salary of a justice of the supreme court exceeds \$125,912.00, each district judge shall receive an annual salary determined as follows:

(a) A minimum annual salary of the difference between 83% of the salary of a justice of the supreme court and \$45,724.00.

(b) An additional salary of \$45,724.00 from the district funding unit or units as provided in subsection (2). If a district judge receives a total additional salary of \$45,724.00 from the district funding unit or units and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the district funding unit or units the amount that the unit or units have paid to the judge.

(6) A district judge who holds court in a county other than the county of the judge's residence shall be reimbursed for his or her actual and necessary expenses incurred in holding court upon certification and approval by the state court administrator. Upon certification of the judge's expenses, the sum shall be paid out of the state treasury pursuant to the accounting laws of this state.

(7) Salaries of a district court judge may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

(8) A judge of the district court is eligible to be a member of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws.

(9) The district court in a district may hold evening and Saturday sessions.

Sec. 8271. (1) The governing body of each district funding unit shall annually appropriate, by line-item or lump-sum budget, funds for the operation of the district court in that district. However, before a governing body of a district funding unit may appropriate a lump-sum budget, the chief judge of the judicial district shall submit to the governing body of the district funding unit a budget request in line-item form with appropriate detail. A court that receives a line-item budget shall not exceed a line-item appropriation or transfer funds between line items without the prior approval of the governing body. A court that receives a lump-sum budget shall not exceed that budget without the prior approval of the governing body.

(2) The district funding unit is the employer of the locally-funded employees of the district court in that district, except as provided in subsections (3) and (4).

(3) In a multicounty district, the employer shall be as follows:

(a) As determined pursuant to a contract entered into by the counties in the district under Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws.

(b) If the counties in the district do not enter into an agreement described in subdivision (a), each county is the employer of the locally-funded employees of the district court who serve in that county or who are designated by agreement of the member counties as being employed by that county.

(4) In a district of the third class consisting of 2 or more municipalities, the employer of the employees appointed under subsection (1) is 1 of the following, as applicable:

(a) The employer provided by an agreement entered into by the municipalities for that purpose under Act No. 8 of the Public Acts of the Extra Session of 1967.

(b) If the municipalities do not enter into an agreement under subdivision (a), the employer is the district funding unit.

(5) The employer of locally-funded employees of the district court, in concurrence with the chief judge of the district court, has the following authority:

(a) To establish personnel policies and procedures, including, but not limited to, policies and procedures relating to compensation, fringe benefits, pensions, holidays, leave, work schedules, discipline, grievances, personnel records, probation, and hiring and termination practices.

(b) To make and enter into collective bargaining agreements with representatives of the locally-funded employees of the district court.

(6) If the employer of the locally-funded employees of the district court and the chief judge of the district court are not able to concur on the exercise of their authority as to any matter described in subsection (5)(a), that authority shall be exercised by either the employer or the chief judge as follows:

(a) The employer has the authority to establish policies and procedures relating to compensation, fringe benefits, pensions, holidays, and leave.

(b) The chief judge has authority to establish policies and procedures relating to work schedules, discipline, grievances, personnel records, probation, hiring and termination practices, and other personnel matters not included in subdivision (a).

(7) The employer of the locally-funded employees of the district court and the chief judge of the district court each may appoint an agent for collective bargaining conducted under subsection (5) or (6).

(8) The chief judge of the district court may elect not to participate in the collective bargaining process for locally-funded employees of the district court.

(9) Except as otherwise provided, the chief judge of the district court district shall appoint, supervise, discipline, or dismiss the employees of the district court in accordance with personnel policies and procedures developed pursuant to subsection (5) or (6) and any applicable collective bargaining agreement. Compensation of employees of the district court shall be paid by each district funding unit, except as otherwise provided in this act.

(10) If the implementation of the 1996 amendatory act that amended this section requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the appropriate employer designated under subsection (2) subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this subsection may be altered by a future collective bargaining agreement.

(11) The employer designated under this section shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

(12) District court employees when performing services in the courtroom are subject to control of the judge holding court in the courtroom.

(13) Subsections (2) to (11) shall not apply to employees serving in the district court in the thirty-sixth district.

(14) Except as provided in section 8273, full-time employees of abolished municipal courts in districts of the third class are transferred to the district court for the city in which they were previously employed and all other full-time employees of abolished courts shall have preferential employment rights in the district court.

(15) Except as provided in section 8273, seniority rights, annual leave, sick leave, and longevity pay and retirement benefits to which employees of abolished courts are now entitled shall be preserved and continued in their positions in the district court in a manner not inferior to their prior status.

(16) Except as provided in section 8275, the obligations of municipalities or other agencies of government for retirement benefits to employees and personnel of abolished courts for their accrued service in such courts shall not be transferred from their present system. Any retirement system available to district court personnel shall provide retirement benefits to employees of abolished courts not inferior to those provided therefor under their prior status.

(17) The role of the chief judge under this section is that of the principal administrator of the officers and personnel of the court and is not that of a representative of a source of funding. The state is not a party to the contract. Except as otherwise provided by law, the state is not the employer of court officers or personnel and is not liable for claims arising out of the employment relationship of court officers or personnel or arising out of the conduct of court officers or personnel.

(18) As used in this section, "locally-funded employees of the district court" means persons employed in the district court in a district who receive any compensation as a direct result of an annual budget appropriation approved by the governing body of 1 or more district funding units of that district, but does not include a judge of the district court.

Sec. 8273. Effective October 1, 1996, each employee of the former state judicial council serving in the district court in the thirty-sixth district shall become an employee of the Wayne county judicial council if that council is created pursuant to section 593a or, if that council is not created, shall become an employee of the city of Detroit.

Sec. 8274. (1) The city council of the city of Detroit, by resolution, may create the Detroit judicial council. The council shall be created not later than September 30, 1996, and, if created, shall begin exercising its powers and duties effective October 1, 1996.

(2) The Detroit judicial council, if created, shall be a successor agency to the state judicial council and, effective October 1, 1996, shall be the employer of the employees of the former state judicial council assigned to serve in the district court in the thirty-sixth district. The composition of the Detroit judicial council and its powers and duties shall be as prescribed by resolution of the city of Detroit.

(3) If the Detroit judicial council is not created pursuant to subsection (1), the employees of the former state judicial council serving in the thirty-sixth district of the district court shall become employees of the city of Detroit, effective October 1, 1996.

(4) The employer designated under subsection (2) or (3), in concurrence with the chief judge of the district court in the thirty-sixth district, has the following authority:

(a) To establish personnel policies and procedures, including, but not limited to, policies and procedures relating to compensation, fringe benefits, pensions, holidays, leave, work schedules, discipline, grievances, personnel records, probation, and hiring and termination practices.

(b) To make and enter into collective bargaining agreements with representatives of those employees.

(5) If the employer designated under subsection (2) or (3) and the chief judge of the district court in the thirty-sixth district are not able to concur on the exercise of their authority as to any matter described in subsection (4)(a), that authority shall be exercised by either the employer or the chief judge as follows:

(a) The employer has the authority to establish policies and procedures relating to compensation, fringe benefits, pensions, holidays, and leave.

(b) The chief judge has authority to establish policies and procedures relating to work schedules, discipline, grievances, personnel records, probation, hiring and termination practices, and other personnel matters not included in subdivision (a).

(6) The employer and the chief judge each may appoint an agent for collective bargaining conducted under subsections (4) and (5).

(7) The chief judge of the district court in the thirty-sixth district may elect not to participate in the collective bargaining process for the employees in that court.

(8) Except as otherwise provided by law, the chief judge of the district court in the thirty-sixth district shall appoint, supervise, discipline, or dismiss the employees of that court in accordance with personnel policies and procedures developed pursuant to subsection (4) or (5) and any applicable collective bargaining agreement. Compensation of the employees serving in the district court in the thirty-sixth district shall be paid by the city of Detroit, except as otherwise provided by this act.

(9) The role of the chief judge under this section is that of the principal administrator of the officers and personnel of the court and is not that of a representative of a source of funding. The state is not a party to the contract. Except as otherwise provided by law, the state is not the employer of court officers or personnel and is not liable for claims arising out of the employment relationship of court officers or personnel or arising out of the conduct of court officers or personnel.

(10) All employees of the former state judicial council serving in the district court in the thirty-sixth district shall be transferred to, and appointed as, employees of the appropriate employer designated under subsection (2) or (3), subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this subsection may be altered by a future collective bargaining agreement or, for employees not covered by collective bargaining agreements, by benefit plans as established and adopted by the personnel and human resource department of the governmental unit paying their compensation. An employee who is transferred shall not be made subject to any residency requirement by the employer designated under subsection (2) or (3).

(11) The appropriate employer designated under subsection (2) or (3) shall assume and be bound by any existing collective bargaining agreement held by the former state judicial council and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

(12) Annual leave which an employee of the district court in the thirty-sixth district has accumulated before October 1, 1996, but not in excess of 160 hours, shall be transferred with the employee as a result of the employee becoming an employee of the employer designated under subsection (2) or (3). The legislature, by law, shall provide such an employee with an option to receive a cash payment for the value of the employee's accumulated annual leave in excess of 160 hours to be paid over a period of time not to exceed 2 years, or a payment of that amount in the form of deferred compensation.

(13) The appropriate employer designated under subsection (2) or (3) shall pay to the state employees' retirement system, on a quarterly basis, an amount based upon the contribution rates determined under section 38 of the state employees' retirement act, Act No. 240 of the Public Acts of 1943, being section 38.38 of the Michigan Compiled Laws, in the manner prescribed by the state employees' retirement system.

Sec. 8275. An employee of the state judicial council serving in the district court in the thirty-sixth district who becomes an employee of the Wayne county judicial council or the city of Detroit serving in the district court in the thirty-sixth district on October 1, 1996, shall remain a member of the state employees' retirement system created by Act No. 240 of the Public Acts of 1943, being sections 38.1 to 38.47 of the Michigan Compiled Laws.

Sec. 8314. In each district of the district court, the judge or judges of the district may establish a probation department within a district control unit. The necessary and reasonable expense of a probation department shall be borne by the district control unit.

Sec. 8315. The district court shall not have jurisdiction in actions for injunctions, divorce or actions which are historically equitable in nature, except as otherwise provided by law. However, the district court has jurisdiction and power to make any order proper to fully effectuate the district court's jurisdiction and judgments.

Sec. 8342. (1) Appeals from the district court shall be to the circuit court in the county in which the judgment is rendered.

(2) Except as provided in subsections (4) and (5), all appeals from final judgments shall be as of right and all other appeals shall be by application.

(3) All appeals to the court of appeals from judgments entered by the circuit court or the recorder's court on appeals from the district court shall be by application.

(4) All appeals from final orders and judgments based upon pleas of guilty or nolo contendere shall be by application.

Sec. 8381. (1) When fines and costs are assessed by a magistrate, a traffic bureau, or a judge of the district court, not less than \$9.00 shall be assessed as costs and collected for each conviction or civil infraction determination and each guilty plea or civil infraction admission except for parking violations. Except as otherwise provided in this section, of the costs assessed and collected, for each conviction or civil infraction determination and each guilty plea or civil infraction admission, \$9.00 shall be paid to the clerk of the district court. The clerk of the district court, on or before the fifteenth day of the month in which costs are collected under this section, shall transmit 45 cents of the costs collected to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled Laws, and shall transmit \$8.55 of the costs collected to the state treasurer. Of each \$8.55 received, the state treasurer shall deposit 30 cents in the legislative retirement fund created by the Michigan legislative retirement system act, Act No. 261 of the Public Acts of 1957, being sections 38.1001 to 38.1060 of the Michigan Compiled Laws; \$4.25 in the court equity fund created under section 151b; and shall deposit the balance in the state court fund created by section 151a.

(2) The clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by Act No. 234 of the Public Acts of 1992 at the same time the clerk of the district court transmits the portion of the costs collected under this section to the executive secretary.

Sec. 8521. (1) Magistrates shall be paid by the county in districts of the first and second class and by the district control unit or units in districts of the third class on a salary or per diem basis as determined by the county board of commissioners in districts of the first and second class or by the governing bodies of the district control unit or units in districts of the third class except that in no case shall the salary of the magistrate be less than \$5,000.00 per year if paid a salary or less than \$20.00 per day and \$10.00 per half day if paid per diem. Uniformity in compensation of magistrates within a county in a district of the first class or within a district of the second class is not essential. Where a magistrate is paid on a per diem basis, the presiding judge of the district shall certify the number of days and half days which the magistrate worked in a pay period.

(2) The salaries of all magistrates appointed to serve in the thirty-sixth district shall be uniform.

Sec. 8621. (1) District court recorders and reporters shall be paid by each district control unit. In districts consisting of more than 1 district control unit, each district control unit shall contribute to the salary in the same proportion as the

number of cases entered and commenced in the district control unit bears to the number of cases entered and commenced in the district, as determined by the judges of the district court under rules prescribed by the supreme court.

(2) The state shall purchase and pay for a recording device for each district or municipal judge, but the replacement, maintenance, and repair of the recording devices and the cost of supplies shall be paid for by the district or municipality. The recording devices shall be the property of the district or municipal court.

Sec. 9108. The state judicial council shall not, from the effective date of this section until the transfer of employees to the appropriate employer, grant any pay raises or make any changes in benefit plans for any of its employees.

Sec. 9931. (1) The recorder's court of the city of Detroit is abolished and merged with the third judicial circuit of the circuit court effective October 1, 1997. The incumbent judges of the recorder's court of the city of Detroit on September 30, 1997 shall become judges of the third judicial circuit of the circuit court on October 1, 1997, and shall serve as circuit judges until January 1 of the year in which their terms as judges of the recorder's court of the city of Detroit would normally have expired. Effective October 1, 1997, each incumbent judge of the recorder's court of the city of Detroit who was appointed to that office by the governor after the filing deadline for the August primary preceding the general election of 1996 shall become a judge of the third circuit of the circuit court and shall serve as a circuit judge until January 1 next succeeding the first general election held after the vacancy to which he or she was appointed occurs, at which election a successor shall be elected for the remainder of the unexpired term which the predecessor incumbent of the recorder's court would have served had that incumbent remained in office until his or her term would normally have expired. In seeking election to the third circuit of the circuit court after October 1, 1997, a judge of the recorder's court becoming a judge of the third circuit of the circuit court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the circuit court, and shall be entitled to designation on the ballot as a judge of the circuit court.

(2) Effective October 1, 1997, all files, records, and pending cases of the recorder's court shall be transferred to the third judicial circuit of the circuit court in accordance with rules prescribed by the supreme court, and the circuit court shall exercise all powers in regard to those files, records, and cases as provided by rules of the supreme court. The third judicial circuit of the circuit court shall have jurisdiction to hear and determine all cases transferred under this section, and shall exercise all authority with regard to those cases as though the cases had been commenced in that court. All orders and judgments of the recorder's court shall be appealable in like manner and to the same courts as applicable before that date.

(3) The county of Wayne shall appropriate, by line-item or by lump-sum budget, funds for operating and maintaining the recorder's court of the city of Detroit for the period of October 1, 1996 to September 30, 1997. However, before the county may appropriate a lump-sum budget, the chief judge of the recorder's court shall submit to the county a budget request in line-item form with appropriate detail. If the court receives a line-item budget, it shall not exceed a line-item appropriation or transfer funds between line items without the prior approval of the county of Wayne. If the court receives a lump-sum budget, it shall not exceed that budget without the prior approval of the county board of commissioners.

(4) Except as otherwise provided by law, the chief judge of recorder's court shall appoint, supervise, discipline, or dismiss the employees of that court in accordance with applicable personnel policies and procedures and any applicable collective bargaining agreement. Compensation of the employees serving in the recorder's court shall be paid by the county of Wayne.

(5) All personal property, including equipment and furniture, that was owned by the recorder's court on the effective date of the 1996 amendatory act that added this section or that was owned and furnished by the state to the recorder's court on the effective date of the 1996 amendatory act that added this section and all personal property subsequently purchased by or furnished to that court shall remain with that court until October 1, 1996, at which time the property shall become the property of the county of Wayne, and shall continue to be used to the benefit of the recorder's court. The state shall reimburse the county of Wayne for any property furnished by the state to that court that is removed from the court between June 27, 1996 and October 1, 1996.

Sec. 9932. (1) The salary of each judge of a municipal court of record, including the chief judge and recorder, shall be determined as provided in this section.

(2) Subject to subsection (4), each judge of the municipal court of record, including the chief judge and the recorder, shall receive an annual salary from the county in which the court is located in the same amount as paid by the state to circuit judges. The state shall reimburse to the county an amount equal to the annual salary paid by the county to a judge of the municipal court of record under this subsection.

(3) As an additional salary, the city in which the court is located shall pay to each judge of the municipal court of record an amount determined as follows:

(a) Until the salary of a justice of the supreme court exceeds \$128,538.00, each judge shall receive an additional salary of \$43,943.00. If the city pays each judge \$43,943.00 and not less than or more than \$43,943.00, including any cost-of-living allowance, the state shall reimburse the city, for each judge of the municipal court of record, an amount equal to the additional salary paid by the city to a judge of the municipal court of record under this subdivision.

(b) If the salary of a justice of the supreme court exceeds \$128,538.00 but is not more than \$130,633.00, each judge shall receive an additional salary that is the difference between 85% of the salary of a justice of the supreme court and \$65,314.00. If the city pays each judge the difference between 85% of the salary of a justice of the supreme court and \$65,314.00, the state shall reimburse to the city that amount. If the city pays any judge an additional salary, including any cost-of-living allowance, that exceeds that amount, the city is not entitled to reimbursement from the state under this subdivision.

(c) If the salary of a justice of the supreme court exceeds \$130,633.00, each judge shall receive an additional salary of \$45,724.00. If the city pays each judge \$45,724.00, the state shall reimburse to the city that amount. If the city pays any judge an additional salary, including any cost-of-living allowance, that exceeds \$45,724.00, the city is not entitled to reimbursement from the state under this subdivision.

(4) An increase in the amount of salary payable to a judge under subsection (2) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

(5) Neither the county nor the city shall pay a cost-of-living allowance or any other cash compensation, other than the salaries authorized by subsections (2) to (3), to a judge of the municipal court of record.

Sec. 9945. (1) As used in this section:

(a) "Base personnel expense" means the total cost of compensation of employees of the state judicial council serving in the district court in the thirty-sixth district paid by the state pursuant to section 8272 between October 1, 1981, and December 31, 1981, plus the amount paid by the state to the state employees' retirement system created by Act No. 240 of the Public Acts of 1943, as amended, being sections 38.1 to 38.47 of the Michigan Compiled Laws, or to the Wayne county employees' retirement system, or the city of Detroit employees' retirement system pursuant to section 8275, for these same employees between October 1, 1981, and December 31, 1981.

(b) "Base incidental court expense" means the total direct cost incurred by the city of Detroit as the district control unit for the thirty-sixth district between October 1, 1981, and December 31, 1981, except expenses for the following:

(i) Facilities provided for the thirty-sixth district under sections 8261, 8262, and 8263.

(ii) Utilities, including telephones.

(iii) Maintaining courtroom security pursuant to section 8283.

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

(v) Base personnel expense as defined in subdivision (a).

(vi) The additional salary paid to a district judge pursuant to section 8202.

(c) "Fixed city obligation" means the difference between the sum of the base incidental court expense and the base personnel expense, and the thirty-sixth district revenue produced between October 1, 1981, and December 31, 1981.

(d) "Thirty-sixth district revenue" means all fees, fines, costs, and other receipts which are received by the district court in the thirty-sixth district and which are paid to the city of Detroit as the district control unit of that district, except for the following:

(i) Any reimbursement for assigned counsel which is received from a defendant who has been provided counsel at the expense of the city of Detroit.

(ii) Any reimbursement by the joint city-county building authority for rent or for repairs or remodeling paid by the city of Detroit for court or district court magistrate facilities.

(2) All personal property, including equipment and furniture, that was owned by the district court in the thirty-sixth district on the effective date of the 1996 amendatory act that amended this section or that was owned and furnished by the state to the district court in the thirty-sixth district, on the effective date of the 1996 amendatory act that amended this section and all personal property subsequently purchased by or furnished to that court shall remain with the court until October 1, 1996, at which time the property shall become the property of the city of Detroit, and shall continue to be used to the benefit of the district court in the thirty-sixth district. The state shall reimburse the city for any property furnished by the state which is removed from the court between June 27, 1996, and the effective date of the 1996 amendatory act that amended this section.

(3) Between September 1, 1981, and September 30, 1982, the city of Detroit shall reimburse the state for the total cost of compensation of employees of the state judicial council serving in the district court in the thirty-sixth district paid by the state pursuant to section 8272, plus the amount paid by the state to the state employees' retirement system created by Act No. 240 of the Public Acts of 1943, as amended, being sections 38.1 to 38.47 of the Michigan Compiled Laws, or to the Wayne county employees' retirement system, or the city of Detroit employees retirement system pursuant to section 8275, for these same employees.

(4) In each fiscal year beginning after September 30, 1982, the city shall pay to the state, in quarterly installments, the following:

(a) Four times the amount of the fixed city obligation.

(b) All thirty-sixth district revenue in excess of 4 times the amount of the base incidental court expense, up to an amount which equals the difference between the following:

(i) The sum of the state's appropriation under subsection (6) and the state's appropriation to pay personnel costs under sections 8272 and 8275.

(ii) Four times the fixed city obligation.

(5) In any fiscal year beginning after September 30, 1982, in which the payment to the state under subsection (4)(b) reaches the maximum amount allowed under subsection (4)(b), the city shall pay to the state 1/2 of all thirty-sixth district revenue in excess of that amount.

(6) For each fiscal year beginning after September 30, 1982, the city of Detroit as district control unit of the district court in the thirty-sixth district shall appropriate funds for operating and maintaining the district court in that district, excluding the expenses excepted in subsection (1)(b), in excess of the product of 4 and the base incidental court expense only to the extent that the state appropriates funds to reimburse the city of Detroit for that purpose.

(7) The cost of any new facilities provided for the district court in the thirty-sixth district after September 30, 1982, shall be paid by the state.

(8) If the city of Detroit establishes a parking violation bureau under section 8395, 1/2 of the revenue generated by the bureau after September 30, 1982, in excess of the expense of operating the bureau shall be paid to the state.

(9) For purposes of establishing future city and state financial obligations under the provisions of subsection (4), the auditor general shall conduct an audit of all financial records of expenditures and revenues described in subsection (1) for the periods specified in subsection (1).

(10) To ensure compliance with subsections (4), (5), and (8), the auditor general shall conduct biennial audits of all pertinent financial records.

(11) Subsections (1) and (3) through (9) do not apply after September 30, 1996.

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.

Sec. 9948. If the state constitution of 1963 permits the creation of election districts in a county for countywide judicial office, or if, by a final nonreviewable judgment, a court determines that the federal voting rights act requires election districts rather than at-large election for countywide judicial office, the county board of commissioners has authority to create election districts to conform with those requirements.

Section 2. The following sections of Act No. 236 of the Public Acts of 1961 that are added or amended by this amendatory act shall take effect as follows:

(a) Sections 222, 225, 235, 238, 241, 815, 1486, 1487, 1501, 8104, and 9108 shall take effect upon the date of enactment of this amendatory act.

(b) Sections 151a, 151b, 151c, 591, 593, 593a, 594, 595, 837, 1114, 1168, 1302, 1303, 1481, 4803, 8271, 8273, 8274, 8275, 8314, 8315, 8381, 8521, 8621, 9931, 9945, and 9947 shall take effect October 1, 1996.

(c) Sections 8342 and 9948 shall take effect October 1, 1997.

(d) Sections 304, 555, 821, 822, 8202, and 9932 shall take effect January 1, 1997.

Section 3. The following acts and parts of acts are repealed effective October 1, 1996:

(a) Sections 563, 564, 567, 592, 872, 1123, 1417, 8272, 9101 to 9107, and 9944 of Act No. 236 of the Public Acts of 1961, being sections 600.563, 600.564, 600.567, 600.592, 600.872, 600.1123, 600.1417, 600.8272, 600.9101 to 600.9107, and 600.9944 of the Michigan Compiled Laws.

(b) Sections 31 to 38 of Act No. 369 of the Public Acts of 1919, being sections 725.31 to 725.38 of the Michigan Compiled Laws.

(c) Enacting section 2 of Act No. 389 of the Public Acts of 1994.

Section 4. The following acts and parts of acts are repealed effective October 1, 1997:

- (a) Act No. 326 of the Local Acts of 1893, being sections 726.1 to 726.49 of the Michigan Compiled Laws.
- (b) Act No. 369 of the Public Acts of 1919, being sections 725.1 to 725.39 of the Michigan Compiled Laws.

Section 5. The following acts and parts of acts are repealed effective January 1, 1997:

- (a) Section 13 of Act No. 369 of the Public Acts of 1919, being section 725.13 of the Michigan Compiled Laws.
- (b) Section 641 of Act No. 236 of the Public Acts of 1961, being section 600.641 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.