

Act No. 524
Public Acts of 1996
Approved by the Governor
January 12, 1997
Filed with the Secretary of State
January 13, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 6185

AN ACT to amend section 151b 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," as amended by Act No. 388 of the Public Acts of 1996, being section 600.151b of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 151b of Act No. 236 of the Public Acts of 1961, as amended by Act No. 388 of the Public Acts of 1996, being section 600.151b of the Michigan Compiled Laws, is amended to read as follows:

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) Excess court fees transmitted by the state treasurer pursuant to section 217 of the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being section 38.2217 of the Michigan Compiled Laws.

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

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

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

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

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

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

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

(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 plus the amount it received for reimbursement of compensation paid to jurors under Act No. 149 of the Public Acts of 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 the amount determined under subparagraph (i) minus the amount determined under subparagraph (ii):

(i) The total of the following:

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

(B) The amount of the state court fund paid for the third judicial circuit, recorder's court, and Wayne county clerk services by the supreme court under Act No. 149 of the Public Acts of 1995 for the state fiscal year beginning October 1, 1995.

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

(D) \$1,438,900.00 received by the county of Wayne for reimbursement of compensation paid to jurors under Act No. 149 of the Public Acts of 1995.

(E) Two percent of the expenditures for salaries, wages, and social security and medicare taxes for employees of the 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 for the state fiscal year beginning October 1, 1995.

(ii) The sum of the amount the county of Wayne receives under the formula in subsection (2) in that state fiscal year and the amount the county of Wayne receives under section 18a of the social welfare act, Act No. 280 of the Public Acts of 1939, being section 400.18a of the Michigan Compiled Laws, 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 total of the following:

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

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

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

(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.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.