

Act No. 149
Public Acts of 1995
Approved by the Governor
July 9, 1995
Filed with the Secretary of State
July 11, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Senators DeGrow and Steil

ENROLLED SENATE BILL No. 301

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 1996; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; and to provide for the disposition of fees and other income received by the judicial branch.

The People of the State of Michigan enact:

Sec. 101. There is appropriated for the judicial branch, subject to the conditions set forth in this act, for the fiscal year ending September 30, 1996, the following amounts from the funds identified as follows:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions.....	1,898.0		
GROSS APPROPRIATION.....		\$	253,263,100
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			337,600
ADJUSTED GROSS APPROPRIATION.....		\$	252,925,500
Federal revenues:			
Total federal revenues.....			35,169,800
Special revenue funds:			
Total local revenues			11,232,700
Total private revenues.....			1,061,900
Total other state restricted revenues.....			41,140,500
State general fund/general purpose		\$	164,320,700

JUDICIAL OPERATIONS

Judicial operations.....		\$	225,272,100
Trial judges' salary increase.....			2,991,000
Out-state trial court funding			25,000,000
GROSS APPROPRIATION.....		\$	253,263,100
Appropriated from:			
Interdepartmental grant revenues:			
IDG from DMB-Michigan justice training fund			337,600
Federal revenues:			
HHS-child support enforcement system			32,591,700

For Fiscal Year
Ending Sept. 30,
1996

DAG-state administrative match grant/food stamps	\$	400,000
Federal anti-drug funds.....		2,003,600
Federal highway safety planning revenue.....		174,500
Special revenue funds:		
Local revenue		11,232,700
Private revenue		1,061,900
Court revenue		15,697,900
State court fund revenue		21,655,000
Fee revenue.....		3,787,600
State general fund/general purpose	\$	164,320,700

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending for fiscal year 1995-96 is \$205,461,200.00 in section 101, and state appropriations to be paid to local units of government in section 101 are as follows:

JUDICIAL BRANCH

Judicial operations	\$	121,422,000
Total judiciary	\$	121,422,000

Sec. 202. The expenditures and funding sources authorized under this bill are subject to the management and budget act, Act No. 431 of the Public Acts of 1984, being sections 18.1101 to 18.1594 of the Michigan Compiled Laws.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "HHS" means the federal department of health and human services.
- (c) "IDG" means interdepartmental grant.

Sec. 204. Funds appropriated in this act shall not be used for the purchase of foreign goods or services when competitively priced American goods and services are available.

JUDICIAL BRANCH

Sec. 301. (1) Effective October 1, 1995, the appropriation contained in section 101 for the payment of judges' salaries shall be paid on the basis of the following levels:

(a) Court of appeals judge.....	\$	110,687
(b) Circuit court judge.....		61,565
(c) Probate court judge governed by section 821 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws		49,409
(d) District court judge.....		55,409

(2) Effective January 1, 1996, the appropriation contained in section 101 for the payment of judges' salaries shall be paid on the basis of of the following levels:

(a) Court of appeals judge.....	\$	114,007
(b) Circuit court judge.....		64,747
(c) Probate court judge governed by section 821 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws		52,453
(d) District court judge.....		58,453

Sec. 302. Effective October 1, 1995, in providing that the appropriations for recorder's court judges' salaries are in the form of grants to counties, a county or city operating a court under Act No. 369 of the Public Acts of 1919, being sections 725.1 to 725.39 of the Michigan Compiled Laws, or under Act No. 326 of the Local Acts of 1883, being sections

726.1 to 726.49 of the Michigan Compiled Laws, shall pay the entire annual salary of each judge of that court and the grants provided in section 101 for recorder's court judges' salaries shall be paid to the counties as reimbursement in the amount of \$61,565.00 per judge. Effective January 1, 1996, the amount of the reimbursement for recorder's judges' salaries shall be paid at the rate of \$64,747.00 per judge.

Sec. 303. (1) Effective October 1, 1995, the funds appropriated in section 101 for state salary standardization payments to counties and district control units shall be available to counties and district control units in the following annual amounts per full-time judge. If there is more than 1 county in a judicial circuit or probate court district, or more than 1 district control unit in a district court district, each of those counties or district control units shall be entitled to receive the funds authorized in this section in the same ratio as it contributes to the total supplement paid to the circuit, probate, or district judge.

(a) Circuit court judge	\$	37,279
and for the period from October 1, 1995 to December 31, 1995 an additional \$742.00.		
(b) Recorder's court judge		37,279
and for the period from October 1, 1995 to December 31, 1995 an additional \$742.00.		
(c) Probate court judge governed by section 821 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws		38,789
and for the period from October 1, 1995 to December 31, 1995 an additional \$707.00.		
(d) District court judge		38,789
and for the period from October 1, 1995 to December 31, 1995 an additional \$707.00.		

(2) The funds appropriated in section 101 for state salary standardization payments include an amount for the purpose of providing payments to probate judges who are of a part-time status. The payment shall be \$5,750.00 per judge. The county shall use state increases in the state salary standardization payment for part-time probate judges to increase the part-time probate judge's salary, but not to exceed the maximum salary limit under section 822(4) of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.822 of the Michigan Compiled Laws.

(3) Receipt of the funds described in subsection (1) by individual counties and district control units is in addition to the appropriation for judges' salaries and is contingent upon all of the following conditions:

(a) The minimum amounts by which a county or district control unit shall supplement the annual salaries payable by this state shall be the greater of the annualized amounts indicated in subsection (1) or the total annualized supplemental salary provided on September 30, 1991 except to the extent that the annualized supplemental salaries are limited by the salary maximums specified in subdivision (c). If there is more than 1 county in a judicial circuit or probate court district or more than 1 district control unit in a district court district, then the sum of the supplemental salary provided by those counties or district control units shall be at least the annualized amounts indicated in this section.

(b) The \$6,000.00 county contribution paid probate court judges governed by section 821 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws, is not considered as part of the minimum annual county supplement required by this section.

(c) The total annualized salary, including cost of living allowances, received by the judge from both state and local funds shall not exceed the following percentages of the salary of a justice of the supreme court: circuit court judges, 92%; probate court judges, 88%; and district court judges, 88%. Counties and district control units that exceed these levels for 1 level of judge shall be ineligible for receipt of funds under this section for all judges of that level, except as otherwise provided in section 555(4), 821(6), or 8202(10) of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.555, 600.821, and 600.8202 of the Michigan Compiled Laws, or section 13 of Act No. 369 of the Public Acts of 1919, being section 725.13 of the Michigan Compiled Laws.

(4) The payments made under subsection (1) with regard to circuit court judges in the third judicial circuit and recorder's court judges shall be applied toward the state's obligation to reimburse the county of Wayne pursuant to section 555(3) of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.555 of the Michigan Compiled Laws, and to reimburse the city of Detroit pursuant to section 13(2) of Act No. 369 of the Public Acts of 1919, being section 725.13 of the Michigan Compiled Laws.

(5) For purposes of this section and section 101, the district control unit for the recorder's court of the city of Detroit is the city of Detroit.

Sec. 303a. (1) Effective January 1, 1996, the funds appropriated in section 101 for state salary standardization payments to counties and district control units shall be available to counties and district control units in the following annual amounts per full-time judge. If there is more than 1 county in a judicial circuit or probate court district, or more than 1 district control unit in a district court district, each of those counties or district control units shall be entitled to receive the funds authorized in this section in the same ratio as it contributes to the total supplement paid to the circuit, probate, or district judge.

(a) Circuit court judge.....	\$ 40,116
(b) Recorder's court judge.....	40,116
(c) Probate court judge governed by section 821 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws	41,481
(d) District court judge.....	41,481

(2) The funds appropriated in section 101 for state salary standardization payments include an amount for the purpose of providing payments to probate judges who are of a part-time status. The payment shall be \$5,750.00 per judge. The county shall use state increases in the state salary standardization payment for part-time probate judges to increase the part-time probate judge's salary, but not to exceed the maximum salary limit under section 822(4) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.822 of the Michigan Compiled Laws.

(3) Receipt of the funds described in subsection (1) by individual counties and district control units is in addition to the appropriation for judges' salaries and is contingent upon all of the following conditions:

(a) The minimum amounts by which a county or district control unit shall supplement the annual salaries payable by this state shall be the greater of the annualized amounts indicated in subsection (1) or the total annualized supplemental salary provided on September 30, 1991 except to the extent that the annualized supplemental salaries are limited by the salary maximums specified in subdivision (c). If there is more than 1 county in a judicial circuit or probate court district or more than 1 district control unit in a district court district, then the sum of the supplemental salary provided by those counties or district control units shall be at least the annualized amounts indicated in this section.

(b) The \$6,000.00 county contribution paid probate court judges governed by section 821 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.821 of the Michigan Compiled Laws, is not considered as part of the minimum annual county supplement required by this section.

(c) The total annualized salary, including cost of living allowances, received by the judge from both state and local funds shall not exceed the following percentages of the salary of a justice of the supreme court: circuit court judges, 92%; probate court judges, 88%; and district court judges, 88%. Counties and district control units that exceed these levels for 1 level of judge shall be ineligible for receipt of funds under this section for all judges of that level, except as otherwise provided in section 555(4), 821(6), or 8202(10) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.555, 600.821, and 600.8202 of the Michigan Compiled Laws, or section 13 of Act No. 369 of the Public Acts of 1919, being section 725.13 of the Michigan Compiled Laws.

(4) The payments made under subsection (1) with regard to circuit court judges in the third judicial circuit and recorder's court judges shall be applied toward the state's obligation to reimburse the county of Wayne pursuant to section 555(3) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.555 of the Michigan Compiled Laws, and to reimburse the city of Detroit pursuant to section 13(2) of Act No. 369 of the Public Acts of 1919, being section 725.13 of the Michigan Compiled Laws.

(5) For purposes of this section and section 101, the district control unit for the recorder's court of the city of Detroit is the city of Detroit.

Sec. 303b. Increases in the salaries of judges of the circuit court, district court, recorder's court, and probate court provided for in this act shall not be paid from funds appropriated in section 101 unless that portion of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, that pertain to such judicial salaries are repealed.

Sec. 304. State funding for state salary standardization payments is provided in section 101 to increase minimum salaries and to further reduce disparities in judicial salaries throughout this state. Consequently, the supreme court and the state court administrative office shall increase oversight activities to ensure optimum productivity of all judges and shall maximize the assignment of incumbent judges to minimize backlogs throughout this state.

Sec. 305. Amounts expended from the appropriation in section 101 for contributions to the Michigan judges retirement system shall equal 3.5% of aggregate annual compensation as defined in section 103 of the judges retirement act of 1992, Act No. 234 of the Public Acts of 1992, being section 38.2103 of the Michigan Compiled Laws. This amount, in addition to revenues generated pursuant to the operation of sections 880, 2529, 5756, 8371, 8381, and 8420 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.880, 600.2529, 600.5756, 600.8371, 600.8381, and 600.8420 of the Michigan Compiled Laws, constitutes publicly financed contributions to the Michigan judges retirement system.

Sec. 306. (1) The office of systems management of the state court administrative office may recover direct and overhead costs from its users by charging for services rendered. The state court administrative office may spend amounts collected in excess of funds identified as user service charges in section 101 as though appropriated.

(2) From funds appropriated in section 101, the office of systems management of the state court administrative office shall provide to the senate and house appropriations committees and the senate and house fiscal agencies before January 1 of each year, a detailed list of user service charges collected during the immediately preceding state fiscal year.

Sec. 307. In accordance with section 9945 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.9945 of the Michigan Compiled Laws, the annualized fixed city obligation is determined to be \$7,150,000.00 and is payable by the city of Detroit in accordance with instructions to be provided by the supreme court fiscal management and accounting officer under section 9945 of Act No. 236 of the Public Acts of 1961.

Sec. 308. For purposes of section 9945(8) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.9945 of the Michigan Compiled Laws, the expenses and revenues of the city of Detroit parking violations bureau shall consist of the expenses and revenues included within the parking violations bureau's accounts for "administration and audits", "violations processing", "parking enforcement - PED", "automotive purchases - PED", and "parking fines" as constituted when the city's 1982-83 budget was officially adopted. These accounts exclude police costs. Actual expenses and revenues during the city's 1994-95 fiscal year shall be used in determining the amount payable to this state. This amount is estimated in section 101 to be \$1,585,100.00.

Sec. 309. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 310. Of the amount appropriated in section 101 for the judicial branch, branchwide appropriations, \$183,400.00 is allocated for circuit court reimbursement under Act No. 16 of the Public Acts of 1978, being sections 800.451 to 800.455 of the Michigan Compiled Laws, and \$328,500.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.6413 of the Michigan Compiled Laws.

Sec. 311. From funds appropriated in section 101, if a trial judge imposes a sentence upon a defendant convicted of a felony, the judge shall indicate, on the record, the estimated state taxpayer fiscal implications that will result from the sentence. The state court administrative office shall report to the senate and house appropriations subcommittees on general government, the senate and house fiscal agencies, and the department of management and budget by April 1 on the status of compliance with this section.

Sec. 312. It is the intent of the legislature that the judicial branch be reimbursed up to \$400,000.00 per fiscal year for food stamp fraud cases heard by the recorder's court that were initiated by the department of attorney general pursuant to the existing contract between the department of social services, the prosecuting attorneys coordinating council, and the department of attorney general. The source of this funding is money earned by the department of attorney general under the agreement after the allowance for reimbursement to the department of attorney general for costs associated with the prosecution of food stamp fraud cases. It is recognized that the federal funds are earned by the department of attorney general for its documented progress on the prosecution of food stamp fraud cases according to United States department of agriculture regulations and that once earned by this state the funds become state funds.

Sec. 313. The judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted pursuant to article IV, section 53 of the state constitution of 1963.

Sec. 314. There is appropriated from the general fund \$4,000,000.00 for costs incurred in fiscal year 1994-95 for the compensation paid to jurors for actual attendance and traveling expenses at the minimum rates required by section 1344 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.1344 of the Michigan Compiled Laws. No later than March 1, 1996, each court funding unit shall submit to the state court administrator, for each court for which it is a funding unit, the total of the payments made to jurors for jury service and travel paid during fiscal year 1994-95 pursuant to section 1344 of Act No. 236 of the Public Acts of 1961, minus the amount of jury fees collected during fiscal year 1994-95 and any amounts made in excess of the statutory minimum. If the amounts submitted by all funding units exceed the amount appropriated, the amount to which each funding unit is entitled shall be reduced proportionately. No later than July 1, 1996, the state court administrator shall determine the amount to which each funding unit is entitled. No later than August 1, 1996, the state court administrator shall distribute to each funding unit the amount to which it is entitled.

Sec. 315. To avoid the overexpenditure of funds appropriated under this act, the supreme court beginning June 1, 1995 shall report quarterly to the judiciary subcommittees of the senate and house appropriations committees regarding the current status of the accounts set forth in section 101 on forms prescribed by the senate and house fiscal agencies and the judicial branch.

Sec. 316. Of the funds appropriated in section 101 for judicial operations, not more than \$4,850,200.00 shall be appropriated for the appellate public defender program, and not more than \$645,400.00 for the appellate assigned counsel administration.

Sec. 317. Money received by the judicial branch as a block grant from the federal government shall not be expended without a specific appropriation.

Sec. 317a. From funds appropriated under section 101, forms required to be developed by the state court administrative office pursuant to section 2950b of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2950b of the Michigan Compiled Laws, shall be provided in the quantity requested by each county clerk.

Sec. 318. The funds appropriated in section 101 shall be distributed in a manner that assures that the trial courts of this state are funded in an equitable manner, consistent with applicable state law.

Sec. 319. Request that the state supreme court justices implement that a judge in this state shall not hire or employ a member of his or her immediate family, including a spouse, child, parent, brother, or sister, as a court employee or a process server or in any other judicial support-related capacity.

Sec. 320. Request that the state supreme court justices implement that judges and persons employed by the judicial branch of government in this state shall submit requests for reimbursement for vehicular travel expenses with documentation of the date, purpose, and mileage for which compensation is sought in the same manner as required of members of the state legislature. Judges and judicial employees in the state shall not be compensated for more than 1 round trip from home to office per week.

Sec. 321. (1) Funds appropriated in section 101 shall not be used to pay for the child support enforcement system (CSES) in the state court administrator's office unless the state court administrator's office provides the appropriations committees of the senate and the house of representatives a status report by November 1, 1995 that outlines all activities planned, implemented, and functioning for each friend of the court participating in the CSES project. In addition, quarterly reports on each friend of the court participating in the CSES shall be due on January 1, 1996, April 1, 1996, July 1, 1996, and September 30, 1996.

(2) The judicial branch of government shall cooperate with the auditor general regarding an audit of the state court administrator's office, conducted pursuant to section 53 of article IV of the state constitution of 1963.

Sec. 322. From the \$25,000,000.00 for out-state trial court funding appropriated in section 101, each county within this state which has a population of less than 2,000,000 based on the 1990 census, shall receive on a per capita basis money for court funding.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.