



SENATE BILL No. 572

June 6, 1995, Introduced by Senators GAST,
VAN REGENMORTER, MC MANUS, NORTH, EMMONS and
STEIL and referred to the Committee on Judiciary.

A bill to amend section 9947 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 189 of the Public Acts of 1993, being section 600.9947 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9947 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 189 of the Public Acts of 1993,
3 being section 600.9947 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 9947. (1) Except as otherwise provided in this act,
6 the legislature shall appropriate sufficient funds in order to
7 fund ~~at least 31.5% of all trial court operational expenses,~~
8 ~~subject to the offset provisions of subsection (6), beginning~~
9 ~~with the state fiscal year that begins October 1, 1993. It is~~

~~1 the intent of the legislature that the state will fund the~~
~~2 highest percentage of trial court operational expenses, offset by~~
~~3 an equivalent percentage of court revenues collected by counties~~
~~4 or district control units, as available funds will allow, as~~
5 ~~determined by the legislature.~~ THE HIGHEST PERCENTAGE OF NET
6 TRIAL COURT OPERATIONAL EXPENSES THAT CAN BE FUNDED BY THE AMOUNT
7 AVAILABLE IN THE STATE COURT FUND FOR TRIAL COURTS OTHER THAN
8 COURTS IN A COUNTY IN WHICH A COURT RECEIVES STATE APPROPRIATIONS
9 TO IMPLEMENT SECTION 563, 564, 592, 593, 594, 595, 8272, 8273,
10 8275, 9104, OR 9943.

11 ~~(2) As used in this section, "trial court operational~~
12 ~~expenses" means, for each trial court of record other than a~~
13 ~~court in a county in which a court receives state appropriations~~
14 ~~to implement section 563, 564, 592, 593, 594, 595, 8272, 8273,~~
15 ~~8275, 9104, or 9943, the sum of the following expenses for the~~
16 ~~1990-91 fiscal year, as reported to the state court administra-~~
17 ~~tive office, excluding expenses reimbursed by federal friend of~~
18 ~~the court reimbursement:~~

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

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

24 ~~(c) Assigned counsel provided for indigents accused of crim-~~
25 ~~inal offenses or ordinance violations, whether before or after~~
26 ~~conviction.~~

1 ~~(d) Guardians ad litem for indigent persons.~~

2 ~~(e) Compensation paid to jurors.~~

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

5 ~~(g) Expenses incurred as a result of the operating of a pro-~~
6 ~~bation department.~~

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

11 ~~(4) If a trial court has not reported information on each of~~
12 ~~the items described in subsection (2) for the 1990-91 fiscal~~
13 ~~year, as required under subsection (2), the state court adminis-~~
14 ~~trative office shall calculate the trial court operational~~
15 ~~expenses for that court based on the information received. A~~
16 ~~local funding unit may report additional 1990-91 fiscal year~~
17 ~~trial court operational expenses if the information on the~~
18 ~~expenses that has already been reported to the state court admin-~~
19 ~~istrative office is incomplete or incorrect and the additional~~
20 ~~information is confirmed by an independent audit, paid for by the~~
21 ~~local funding unit and approved by the state court~~
22 ~~administrator. Information confirmed by an independent audit~~
23 ~~shall be included by the state court administrative office in its~~
24 ~~calculation of trial court operational expenses under this~~
25 ~~subsection.~~

26 ~~(5) The state court administrative office shall monitor the~~
27 ~~trends in the ratio of trial court operational expenses to court~~

~~1 revenues for each county and district control unit. In analyzing
2 differences in the ratio of court operational expenses to court
3 revenues for a county or district control unit from the ratio of
4 expenses to court revenues based on expense data reported by that
5 county or district control unit for 1990-91 and court revenue
6 data reported by that county or district control unit for
7 1990-91, the state court administrator shall consider changes in
8 fees impacting revenue generation, changes in court responsibili-
9 ties impacting workload, statewide trends in expenses to revenue
10 ratios, and increases in expenses due to inflation. Upon deter-
11 mining that the ratio of expenses to court revenues for a county
12 and district control unit differs significantly from statewide
13 trends, the state court administrator shall conduct a review of
14 the budget and court management of the court or courts funded by
15 that county or district control unit. The state court adminis-
16 trator shall then submit a report to the senate and house appro-
17 priations subcommittees on general government. In the following
18 state fiscal year, the legislature may authorize adjustments to
19 the funding from the state court fund created in section 151a for
20 which those counties or district control units would otherwise be
21 entitled pursuant to this section.~~

~~22 (6) The funds to which a county or district control unit is
23 entitled under subsection (1) shall be offset by the sum of court
24 revenues collected by that county or district control unit in the
25 1990-91 state fiscal year and any state funding in the 1990-91
26 fiscal year received by the county or district control unit for
27 trial court operational expenses, including judges' salaries,~~

~~1 Michigan friend of the court funds, and child care funds. The
2 amount of the offset shall be equal to the percentage of trial
3 court operational expenses funded for that county, or, in the
4 case of a district of the third class, that district control
5 unit. However, an offset under this subsection shall not reduce
6 the funding to which the county or district control unit is enti-
7 tled to less than zero.~~

~~8 (7) As used in this section, "court revenues" means all
9 fees, fines, and court costs, except the following:~~

~~10 (a) Penal fines.~~

~~11 (b) Revenue dedicated to the state general fund.~~

~~12 (c) Revenue dedicated to a restricted state fund or state
13 purpose.~~

~~14 (d) Revenue dedicated to a friend of the court fund.~~

~~15 (8) A county or political subdivision shall receive funds
16 under this section based on the trial court operational expenses
17 of the courts in the county for which the county or a political
18 subdivision of the county is responsible, offset by the portion
19 of court revenues from those courts to which the county or polit-
20 ical subdivision is entitled.~~

~~21 (2) THE STATE COURT ADMINISTRATOR ANNUALLY SHALL DETERMINE,
22 BY FUNDING UNIT AND COURT TYPE, THE PROPORTION OF THE TOTAL
23 STATEWIDE TRIAL COURT CASELOAD, EXCLUDING COURTS OF RECORD IN A
24 COUNTY OTHER THAN A COUNTY IN WHICH A COURT RECEIVES STATE APPRO-
25 PRIATIONS TO IMPLEMENT SECTION 563, 564, 592, 593, 594, 595,
26 8272, 8273, 8275, 9104, OR 9943, REPRESENTED BY THE CASELOAD OF
27 EACH TRIAL COURT OF RECORD IN A COUNTY OTHER THAN A COUNTY IN~~

1 WHICH A COURT RECEIVES STATE APPROPRIATIONS TO IMPLEMENT SECTION
2 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, OR 9943.

3 (3) A COUNTY OR OTHER COURT FUNDING UNIT ANNUALLY SHALL
4 RECEIVE STATE COURT FUNDING IN AN AMOUNT EQUAL TO THE SUM OF THE
5 LOCAL CIRCUIT SHARE, LOCAL PROBATE SHARE, AND LOCAL DISTRICT
6 SHARE OF THE COUNTY OR OTHER COURT FUNDING UNIT.

7 (4) FUNDS RECEIVED BY A COUNTY OR OTHER COURT FUNDING UNIT
8 PURSUANT TO THIS SECTION SHALL BE USED EXCLUSIVELY FOR THE OPER-
9 ATIONAL EXPENSES OF THE STATE COURT SYSTEM WITHIN THE COUNTY OR
10 OTHER COURT FUNDING UNIT

11 (5) AS USED IN THIS SECTION:

12 (A) "AGGREGATE NET CIRCUIT COURT OPERATIONAL EXPENSES" MEANS
13 THE SUM OF THE FOLLOWING EXPENSES, MINUS COURT REVENUES, OF ALL
14 CIRCUITS OF THE CIRCUIT COURT OTHER THAN THE THIRD CIRCUIT:

15 (i) EMPLOYEE COMPENSATION, INCLUDING COMPENSATION FOR COUNTY
16 CLERK SERVICES, OTHER THAN COMPENSATION FOR COURTROOM SECURITY.

17 (ii) OPERATIONAL AND MAINTENANCE EXPENSES OTHER THAN
18 EXPENSES FOR FACILITIES, UTILITIES, TELEPHONES, AND COURTROOM
19 SECURITY.

20 (iii) EXPENSES FOR ASSIGNED COUNSEL PROVIDED FOR INDIGENTS
21 ACCUSED OF CRIMINAL OFFENSES, WHETHER BEFORE OR AFTER
22 CONVICTION.

23 (iv) EXPENSES FOR GUARDIANS AD LITEM FOR INDIGENT PERSONS.

24 (v) COMPENSATION PAID TO JURORS.

25 (vi) FEES FOR TRANSCRIPTS THAT ARE PREPARED PURSUANT TO
26 COURT ORDER.

1 (vii) EXPENSES FOR ASSIGNMENT OF JUDGES.

2 (B) "AGGREGATE NET DISTRICT COURT OPERATIONAL EXPENSES"

3 MEANS THE SUM OF THE FOLLOWING EXPENSES, MINUS COURT REVENUES, OF
4 ALL DISTRICTS OF THE DISTRICT COURT OTHER THAN A DISTRICT IN THE
5 COUNTY OF WAYNE:

6 (i) EMPLOYEE COMPENSATION OTHER THAN COMPENSATION FOR COURT-
7 ROOM SECURITY.

8 (ii) OPERATIONAL AND MAINTENANCE EXPENSES OTHER THAN
9 EXPENSES FOR FACILITIES, UTILITIES, TELEPHONES, AND COURTROOM
10 SECURITY.

11 (iii) EXPENSES FOR ASSIGNED COUNSEL PROVIDED FOR INDIGENTS
12 ACCUSED OF CRIMINAL OFFENSES OR ORDINANCE VIOLATIONS, WHETHER
13 BEFORE OR AFTER CONVICTION.

14 (iv) COMPENSATION PAID TO JURORS.

15 (v) FEES FOR TRANSCRIPTS THAT ARE PREPARED PURSUANT TO COURT
16 ORDER.

17 (vi) EXPENSES INCURRED AS A RESULT OF THE OPERATING OF A
18 PROBATION DEPARTMENT.

19 (vii) EXPENSES FOR ASSIGNMENT OF JUDGES.

20 (C) "AGGREGATE NET PROBATE COURT OPERATIONAL EXPENSES" MEANS
21 THE SUM OF THE FOLLOWING EXPENSES, MINUS COURT REVENUES, OF ALL
22 PROBATE COURTS OTHER THAN THE PROBATE COURT IN THE COUNTY OF
23 WAYNE:

24 (i) EMPLOYEE COMPENSATION OTHER THAN COMPENSATION FOR COURT-
25 ROOM SECURITY.

1 (ii) OPERATIONAL AND MAINTENANCE EXPENSES OTHER THAN
2 EXPENSES FOR FACILITIES, UTILITIES, TELEPHONES, AND COURTROOM
3 SECURITY.

4 (iii) EXPENSES FOR ASSIGNED COUNSEL PROVIDED FOR INDIGENTS.

5 (iv) EXPENSES FOR GUARDIANS AD LITEM FOR INDIGENT PERSONS.

6 (v) COMPENSATION PAID TO JURORS.

7 (vi) FEES FOR TRANSCRIPTS THAT ARE PREPARED PURSUANT TO
8 COURT ORDER.

9 (vii) EXPENSES INCURRED AS A RESULT OF THE OPERATING OF A
10 PROBATION DEPARTMENT.

11 (viii) EXPENSES IN ADULT GUARDIANSHIP PROCEEDINGS OF THE
12 INDEPENDENT EVALUATIONS, LEGAL COUNSEL, AND PERIODIC REVIEW OF
13 GUARDIANSHIPS MANDATED BY ARTICLE 4 OF THE REVISED PROBATE CODE,
14 ACT NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.401 TO
15 700.499 OF THE MICHIGAN COMPILED LAWS.

16 (ix) EXPENSES FOR ASSIGNMENT OF JUDGES.

17 (D) "AGGREGATE NET TRIAL COURT OPERATIONAL EXPENSES" MEANS
18 THE SUM OF THE FOLLOWING EXPENSES FOR ALL TRIAL COURTS OF RECORD
19 OTHER THAN COURTS IN A COUNTY IN WHICH A COURT RECEIVES STATE
20 APPROPRIATIONS TO IMPLEMENT SECTION 563, 564, 592, 593, 594, 595,
21 8272, 8273, 8275, 9104, OR 9943, MINUS COURT REVENUES:

22 (i) EMPLOYEE COMPENSATION, INCLUDING COMPENSATION FOR COUNTY
23 CLERK SERVICES TO THE CIRCUIT COURT, OTHER THAN COMPENSATION FOR
24 COURTROOM SECURITY.

25 (ii) OPERATIONAL AND MAINTENANCE EXPENSES OTHER THAN
26 EXPENSES FOR FACILITIES, UTILITIES, TELEPHONES, AND COURTROOM
27 SECURITY.

1 (iii) EXPENSES FOR ASSIGNED COUNSEL PROVIDED FOR INDIGENTS
2 ACCUSED OF CRIMINAL OFFENSES OR ORDINANCE VIOLATIONS, WHETHER
3 BEFORE OR AFTER CONVICTION.

4 (iv) EXPENSES FOR GUARDIANS AD LITEM FOR INDIGENT PERSONS.

5 (v) EXPENSES IN ADULT GUARDIANSHIP PROCEEDINGS OF THE INDE-
6 PENDENT EVALUATIONS, LEGAL COUNSEL, AND PERIODIC REVIEW OF GUARD-
7 IANSHIPS MANDATED BY ARTICLE 4 OF THE REVISED PROBATE CODE, ACT
8 NO. 642 OF THE PUBLIC ACTS OF 1978.

9 (vi) COMPENSATION PAID TO JURORS.

10 (vii) FEES FOR TRANSCRIPTS THAT ARE PREPARED PURSUANT TO
11 COURT ORDER.

12 (viii) EXPENSES INCURRED AS A RESULT OF THE OPERATING OF A
13 PROBATION DEPARTMENT.

14 (ix) EXPENSES FOR ASSIGNMENT OF JUDGES.

15 (E) "CIRCUIT SHARE" MEANS THE AMOUNT PRODUCED BY MULTIPLYING
16 THE AMOUNT AVAILABLE IN A GIVEN FISCAL YEAR IN THE STATE COURT
17 FUND FOR TRIAL COURTS OTHER THAN COURTS IN A COUNTY IN WHICH A
18 COURT RECEIVES STATE APPROPRIATIONS TO IMPLEMENT SECTION 563,
19 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, OR 9943 BY THE
20 PERCENTAGE OF AGGREGATE NET TRIAL COURT OPERATIONAL EXPENSES REP-
21 RESENTED BY AGGREGATE NET CIRCUIT COURT OPERATIONAL EXPENSES FOR
22 THAT FISCAL YEAR.

23 (F) "COURT REVENUES" MEANS ALL FEES, FINES, COURT COSTS, AND
24 FEDERAL AND STATE PAYMENTS TO REIMBURSE THE COST OF COURT OPERA-
25 TIONS, EXCEPT THE FOLLOWING:

26 (i) PENAL FINES AND OTHER COURT-ORDERED FINES OR PAYMENTS
27 DEDICATED BY STATE LAW TO LIBRARIES.

1 (ii) REVENUE DEDICATED TO THE STATE GENERAL FUND.

2 (iii) REVENUE DEDICATED TO A RESTRICTED STATE FUND OR STATE
3 PURPOSE.

4 (iv) REVENUE DEDICATED TO A FRIEND OF THE COURT FUND.

5 (v) PAYMENTS RECEIVED FROM THE STATE COURT FUND.

6 (G) "DISTRICT SHARE" MEANS THE AMOUNT PRODUCED BY MULTIPLY-
7 ING THE AMOUNT AVAILABLE IN A GIVEN FISCAL YEAR IN THE STATE
8 COURT FUND FOR TRIAL COURTS OTHER THAN COURTS IN A COUNTY IN
9 WHICH A COURT RECEIVES STATE APPROPRIATIONS TO IMPLEMENT SECTION
10 563, 564, 592, 593, 594, 595, 8272, 3273, 3275, 9104, OR 9943 BY
11 THE PERCENTAGE OF AGGREGATE NET TRIAL COURT OPERATIONAL EXPENSES
12 REPRESENTED BY AGGREGATE NET DISTRICT COURT OPERATIONAL EXPENSES
13 FOR THAT FISCAL YEAR.

14 (H) "LOCAL CIRCUIT SHARE" MEANS, FOR EACH FUNDING UNIT OF
15 EACH CIRCUIT OF THE CIRCUIT COURT OTHER THAN THE THIRD CIRCUIT,
16 THE AMOUNT PRODUCED BY MULTIPLYING CIRCUIT SHARE BY THE RELATIVE
17 CASELOAD OF THAT FUNDING UNIT.

18 (I) "LOCAL DISTRICT SHARE" MEANS, FOR EACH FUNDING UNIT OF
19 EACH DISTRICT OF THE DISTRICT COURT OTHER THAN A DISTRICT IN THE
20 COUNTY OF WAYNE, THE AMOUNT PRODUCED BY MULTIPLYING DISTRICT
21 SHARE BY THE RELATIVE CASELOAD OF THAT FUNDING UNIT.

22 (J) "LOCAL PROBATE SHARE" MEANS, FOR EACH PROBATE COURT
23 FUNDING UNIT, THE AMOUNT PRODUCED BY MULTIPLYING PROBATE SHARE BY
24 THE RELATIVE CASELOAD OF THAT FUNDING UNIT.

25 (K) "PROBATE SHARE" MEANS THE AMOUNT PRODUCED BY MULTIPLYING
26 THE AMOUNT AVAILABLE IN A GIVEN FISCAL YEAR IN THE STATE COURT
27 FUND FOR TRIAL COURTS OTHER THAN COURTS IN A COUNTY IN WHICH A

1 COURT RECEIVES STATE APPROPRIATIONS TO IMPLEMENT SECTION 563,
2 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, OR 9943 BY THE
3 PERCENTAGE OF AGGREGATE NET TRIAL COURT OPERATIONAL EXPENSES REP-
4 RESENTED BY AGGREGATE NET PROBATE COURT OPERATIONAL EXPENSES FOR
5 THAT FISCAL YEAR.

6 (1) "RELATIVE CASELOAD" MEANS 1 OF THE FOLLOWING, AS
7 APPLICABLE:

8 (i) FOR EACH FUNDING UNIT OF A CIRCUIT OTHER THAN THE THIRD
9 CIRCUIT, THE PERCENTAGE DERIVED BY DIVIDING THE PORTION OF THE
10 CASELOAD OF THAT CIRCUIT ATTRIBUTABLE TO THAT FUNDING UNIT BY THE
11 SUM OF THE CASELOADS OF ALL CIRCUITS STATEWIDE OTHER THAN THE
12 THIRD CIRCUIT.

13 (ii) FOR EACH PROBATE COURT FUNDED BY A SINGLE COUNTY, THE
14 PERCENTAGE DERIVED BY DIVIDING THE CASELOAD OF THAT PROBATE COURT
15 BY THE SUM OF THE CASELOADS OF THE PROBATE COURT STATEWIDE OTHER
16 THAN THE PROBATE COURT OF WAYNE COUNTY.

17 (iii) FOR EACH FUNDING UNIT OF A PROBATE DISTRICT, THE PER-
18 CENTAGE DERIVED BY DIVIDING THE PORTION OF THE CASELOAD OF THAT
19 PROBATE DISTRICT ATTRIBUTABLE TO THAT FUNDING UNIT BY THE SUM OF
20 THE CASELOADS OF THE PROBATE COURT STATEWIDE OTHER THAN THE PRO-
21 BATE COURT OF WAYNE COUNTY.

22 (iv) FOR EACH FUNDING UNIT OF A DISTRICT OF A DISTRICT COURT
23 OTHER THAN A DISTRICT IN THE COUNTY OF WAYNE, THE PERCENTAGE
24 DERIVED BY DIVIDING THE PORTION OF THE CASELOAD OF THAT DISTRICT
25 ATTRIBUTABLE TO THAT FUNDING UNIT BY THE SUM OF THE CASELOADS OF
26 ALL DISTRICTS STATEWIDE OTHER THAN DISTRICTS IN THE COUNTY OF
27 WAYNE.