

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

600.9945 District court in thirty-sixth district; definitions; ownership and use of personal property; reimbursement of state for property removed and for compensation of employees; payments to state in quarterly installments; appropriation of funds for operating and maintaining court; cost of new facilities; revenue generated by parking violation bureau; audits; applicability of subsections (1) and (3) through (9).

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.

History: Add. 1980, Act 438, Eff. May 1, 1981 ;-- Am. 1996, Act 374, Eff. Oct. 1, 1996

Compiler's Notes: Sections 2 and 3 of Act 438 of 1980 provide: "Conditional effective date; action constituting exercise of option; effect of exercising option." Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect. (2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978. The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981. Effective date of Chapter 91 and certain sections. Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981."