

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

600.151a State court fund; creation; use; crediting deposits and income from investments; unencumbered balance remaining in fund; distribution of proceeds.

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.

History: Add. 1993, Act 189, Imd. Eff. Oct. 8, 1993 ;-- Am. 1996, Act 374, Eff. Oct. 1, 1996

Constitutionality: The Supreme Court in *Judicial Attorneys Association v State of Michigan*, 460 Mich 590; 597 NW2d 113 (1999), ruled that 1996 PA 374 did not violate Const 1963, art 9 § 29 (Headlee amendment) because Act 374 of 1996 neither imposed new activities nor increased the level of activities on local units. 1996 PA 374 merged the Recorder's Court into the Third Circuit Court. In adopting a narrow interpretation of Const 1963, art 9, § 29, the Court held that the second sentence of § 29 is only triggered by a mandate that requires local units to perform an activity that the state previously did not require local units to perform or at an increased level from that previously required of local units and that the act did not trigger § 29 and did not violate the Headlee amendment.