

State funding of courts: The issue lives on

By Tim Richard
staff writer

The rumbling continues over full state funding of courts.

The Michigan Court of Appeals recently found the state's pay scheme for judges unconstitutional, a violation of the "equal protection" clause. But, on technical grounds, the appeals court turned down the claim of District Judge George Van Kula for back pay.

In Oakland County, the develop-

ment is being studied by the Board of Commissioners' government and transportation committee.

"I was involved in the negotiations that set it up in 1979," said commissioner Dan Bishop, R-Rochester, a state senator until 1982 and now a member of the county committee.

"We started in Wayne County with the plan of full state funding in other counties later."

THE PLAN never came to fruition. State programs were cut se-

verely in the recession of the early '80s. The court funding plan was never revived.

Only courts in Detroit and the circuit and probate courts of Wayne County are fully paid by the state.

In Oakland County, the state pays the first \$59,975 of a circuit judge's salary, and the county supplements it with \$38,295 for a total of \$98,270.

Oakland probate judges get the first \$45,223 from the state and the remaining \$45,847 from the county for a total of \$91,080.

Judges of the 52nd District Court, whose judicial "control unit" is Oakland County, receive \$51,233 from the state and \$39,847 from the county for a total of \$91,080.

Those are the maximum rates permitted by the state. Many jurisdictions pay at less than the maximum.

GOV. JAMES Blanchard has no plans even to chip away at the goal of full state funding for the other 82 counties and the district courts in suburban Wayne County.

Legal adviser Mike Hodge said he's unperturbed about the lawsuits. "One legislature can't bind future legislatures," he said.

Bishop, an attorney, agrees. The Legislature of 1989 has no legal obligation to carry out the 1979 political promise of full state funding of the courts.

But the pressure is building.

The Michigan Townships Association, at a recent annual convention in Detroit, passed a resolution asking the state to assume full funding of courts.

And the Madison Heights City Council is circulating its resolution asking the state to "abolish mandatory minimum amounts which a municipality must contribute to the annual salary of its District Court judge."

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EIGHT COUNTIES — Kent, Ottawa, Ingham, Saginaw, Wexford, Grand Traverse, Van Buren and Newaygo — are suing the state for full funding of the courts.

They are seeking \$40 million in court expenses, according to the Michigan Lawyers Weekly.

The trade paper said their case has been granted class action certification, meaning that 175 other governmental units could join the suit.

IN THE BIG Rapids case, the Court of Appeals agreed there are disparities between Judge Van Kula's pay and benefits and those of 35th District Court judges in Detroit.

But the appeals court denied Van Kula compensation on the ground that the Court of Claims had no jurisdiction over his case. The Court of Claims had ordered Van Kula's salary and retirement benefits to be brought to the 35th District's levels.

"We are unable to discern a constitutionally appropriate basis for the disparities," said the appeals court, concluding "the 35th District judges' preferred compensation treatment is arbitrary and unreasonable."

That wording is raising hopes among the other 82 counties.

The appeals court ruled Van Kula wasn't entitled to back pay, saying prospective, not retroactive, relief was the only appropriate remedy.

House boosts its staffing bill

Here is how Observer & Eccentric area U.S. representatives were recorded on major roll call votes in the week ending March 25. The Senate was in recess and conducted no votes.

COMMITTEE FUNDING — By a vote of 348 in favor and 53 against, the House authorized a budget of \$53.5 million for a share of its 1989 committee operations, up 7.5 percent over the comparable 1988 budget.

The legislation (H Res 103) did not require Senate approval and took effect immediately.

The \$53.5 million covers about half the cost of running House committees. The remainder will be supplied by the legislative branch appropriations bill. It funds items such as salaries for many of the 2,200 employees of the House's 27 committees and 160 subcommittees, domestic travel and hiring of consultants.

Supporter Frank Annunzio, D-Ill., said, "In comparison to the overall amount expended in the federal budget, the dollar amount for committees... is like a grain of sand on the beach of federal expenditures."

Opponent Joel Hefley, R-Colo., complained that Congress, with \$1,000 employees, has more staff than the Pentagon. "If we cannot control our spending here, we cannot control it anywhere," Hefley said.

Voting yes in support of the reso-

Roll Call Report

lution were Carl Pursell, R-Plymouth, Dennis Hertel, D-Harper Woods, William Ford, D-Taylor, Sander Levin, D-Southfield, and William Broomfield, R-Lake Orion.

MINIMUM WAGE — By a largely partisan vote of 248 for and 171 against, the House passed and sent to the Senate a bill (HR 2) to increase the minimum wage by \$1.20 an hour. The present \$3.35 pay floor would rise to:

• \$3.55 this October.

• \$4.25 in October of 1990.

• \$4.55 in October of 1991.

Employers could pay a \$3.35 training wage for six months to new employees with no work experience.

All but the smallest businesses as well as local governments, schools, hospitals and social services institutions must pay the minimum wage. The bill would end the House's historical exemption from paying its service workers the minimum wage.

Supporter Thomas Poglietta, D-Pa., said "a full time job should be rewarded by a decent, livable wage."

Opponent Fred Upton, R-Mich., said "an increase in the minimum wage results in the loss of job opportunities."

Members voting yes wanted to increase the minimum wage to \$4.55 an hour by 1991. Voting yes were Democrats Hertel, Ford and Levin. Voting no were Republicans Pursell and Broomfield.

BUSH SUBSTITUTE — By a vote of 193 for and 218 against, the House rejected an amendment to HR 2 (above) embodying President Bush's plan to raise the minimum wage to \$4.25 an hour instead of higher levels advocated by House Democrats and organized labor.


Members voting yes supported Bush's call for a smaller increase in the minimum wage. Voting yes were Republicans Pursell and Broomfield. Voting no were Democrats Hertel, Ford and Levin.

EMPLOYER PENALTIES — By a vote of 90 for and 321 against, the House rejected an amendment to toughen penalties on employers who fail to pay the minimum wage or overtime as required by the Fair Labor Standards Act. This occurred during debate on HR 2 (above). Employers now caught evading the minimum wage must provide back pay equal to the amount originally due. This amendment sought in part to increase the penalty for repeat offenders to three times the wages due.

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Those voting yes wanted to stiffen penalties against employers violating the Fair Labor Standards Act. Voting yes were Hertel and Ford.

Voting no were Pursell, Levin and Broomfield.



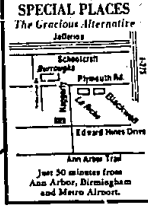
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Editor, Detroit Free Press "Parent Talk,"
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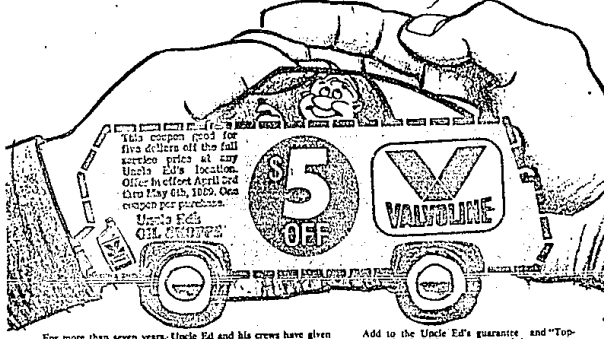
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