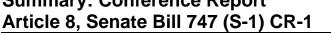
FY 2024-25: JUDICIARY

Summary: Conference Report





Analyst: Robin R. Risko

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	FY 2023-24	FY 2024-25				Difference: Conf From FY 2023	
	Enacted	Revised	FY 2024-25	FY 2024-25	FY 2024-25	Enacted	
	as of 2/7/24	Executive	House	Senate	Conference	Amount	%
IDG/IDT	\$1,902,300	\$1,902,300	\$1,902,300	\$1,902,300	\$2,402,300	\$500,000	26.3
Federal	6,751,300	7,132,600	7,132,600	7,132,600	7,132,600	381,300	5.6
Local	0	0	0	0	0	0	
Private	1,903,900	1,905,300	1,905,300	1,905,300	1,905,300	1,400	0.1
Restricted	95,152,600	95,887,300	95,887,300	95,887,300	95,887,300	734,700	0.8
GF/GP	250,218,100	265,213,900	263,388,900	264,047,900	266,113,900	15,895,800	6.4
Gross	\$355,928,200	\$372,041,400	\$370,216,400	\$370,875,400	\$373,441,400	\$17,513,200	4.9
FTEs	598.0	655.5	635.5	654.5	643.5	<i>4</i> 5.5	7.6

Note: Appropriation figures for FY 2024-25 include all proposed appropriation amounts, including amounts designated as "onetime."

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government. The Judiciary budget provides operational funding for the Michigan Supreme Court, the Court of Appeals, the State Appellate Defender Office, and other judicial agencies. The budget funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Funding assistance for local trial court operations is provided through a variety of grant programs. The largest of these, the Court Equity Fund Reimbursement program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the number of judgeships.

Major Budget Changes from FY 2023-24 Enacted Appropriations		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 Conference <u>Change</u>
1. Statewide Case Management System Executive includes \$4.6 million GF/GP and authorization for 19.0 new FTE positions for continued support of the statewide judicial case management system. Of the total, \$3.6 million would be used to support staff, operating, and maintenance costs. The other \$1.0 million would be used to purchase hardware and software for the additional FTE positions and to fund increasing cloud hosting capacity, maintenance and security services, and various licenses. House does not include funding or authorization for FTE positions. Senate includes \$2.7 million GF/GP and authorization for 7.0 FTE positions.	FTE	NA	7.0
	Gross	NA	\$1,600,000
	GF/GP	NA	\$1,600,000
2. Appellate Indigent Defense Workload Standards Executive includes \$3.3 million GF/GP to support costs of 23.0 new attorney and support staff positions for the State Appellate Defender's Office (SADO) for a three-year, phased implementation of workload standards, based on a workload assessment from the National Center for State Courts. Standards are developed in parallel with separate workload standards for trial-level public defenders through the Michigan Indigent Defense Commission. House concurs. Senate concurs. Conference concurs.	FTE	0.0	23.0
	Gross	\$0	\$3,259,000
	GF/GP	\$0	\$3,259,000

Major Budget Changes from FY 2023-24 Enacted Appropriations		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 Conference <u>Change</u>
3. SADO Collective Bargaining Agreement Executive includes \$856,100 GF/GP to cover costs of negotiated pay increases for UAW-represented employees of SADO under the first-ever collective bargaining agreement between SADO and the union. Represented positions include assistant defenders, reentry specialists, mitigation specialists, investigators, administrative positions (finance and IT), and program positions (Criminal Defense Resource Center and MAACS). House concurs. Senate concurs. Conference concurs.	Gross	\$0	\$856,100
	GF/GP	\$0	\$856,100
4. SADO Non-Exclusively Represented Employees Executive includes \$205,600 to cover costs of a 5% base increase for non-represented employees to bring them in line with similar civil service positions and to keep pace with adjustments provided to union-represented employees. House concurs. Senate concurs. Conference concurs.	Gross	\$0	\$205,600
	GF/GP	\$0	\$205,600
5. MAACS Youth Defense Manager Executive includes \$157,000 GF/GP and authorization for 1.0 FTE position to shift the SADO-MAACS youth defense roster manager position from a federally funded position to a state funded position. Currently, the position is funded with a one-time three-year federal grant through the DOJ, Office of Juvenile Justice and Delinquency Prevention, but the grant expires at the end of FY 2024. House concurs. Senate concurs. Conference concurs.	FTE	0.0	1.0
	Gross	\$0	\$157,000
	GF/GP	\$0	\$157,000
 6. Conversion of Contracted Positions to State Positions Executive includes \$934,700 GF/GP to cover costs of converting 9.5 positions from contracted positions to state employees, as recommended by the IRS in a recent payroll audit on the use of independent contractors. Following is detail for affected budget areas: SADO - \$390,000 and 3.5 FTE positions Supreme Court - \$296,600 and 3.0 FTE positions Court of Appeals - \$142,900 and 2.0 FTE positions Michigan Judicial Institute - \$105,200 and 1.0 FTE position. House concurs. Senate concurs. Conference concurs. 	FTE	NA	9.5
	Gross	NA	\$934,700
	GF/GP	NA	\$934,700
7. Judgeship Changes Executive includes \$305,500 Gross (\$171,700 GF/GP) to cover partial year costs of two new judgeships – one probate court judgeship in Macomb County and one district court judgeship in Kent County. House concurs. Senate concurs. Conference concurs.	Gross	NA	\$305,500
	Restricted	NA	133,800
	GF/GP	NA	\$171,700
8. SOCC Recommendations for Supreme Court Justices Executive includes \$166,600 GF/GP to support recommendations made by SOCC in May 2023 to provide 7% salary increases for Supreme Court justices in 2025 and 2026, and \$10,000 expense allowances for each Supreme Court Justice. For SOCC recommendations to take effect for 2025, recommendations need legislative approval via a concurrent resolution prior to the November 2024 general election. House includes a \$100 placeholder pending passage of the concurrent resolution. Senate includes \$166,600. Conference includes \$166,600.	Gross	\$0	\$166,600
	GF/GP	\$0	\$166,600
9. Behavioral Health Administrator Revised executive includes \$245,000 GF/GP to establish 1.0 behavioral health administrator position within SCAO (initial amount was \$170,000). The administrator would help analyze, develop, and implement improved court responses and services and best practices for addressing mental health issues and substance use disorder. House includes \$170,000 GF/GP. Senate includes \$170,000 GF/GP. Conference includes \$245,000 GF/GP.	FTE	0.0	1.0
	Gross	\$0	\$245,000
	GF/GP	\$0	\$245,000

		Enacted	Conference
Major Budget Changes from FY 2023-24 Enacted Appropriations		(as of 2/7/24)	<u>Change</u>
10. Commission Staffing Executive includes \$170,000 GF/GP and authorization for 1.0 FTE position to support the Justice for All Commission and the newly created Commission on Well-Being in the Law. The Justice for All Commission was established to simplify the court system, court rules, processes, and forms to increase court and community engagement and access to justice. The Commission on Well-Being in the Law was created by the Supreme Court and the State Bar to address the high rates of depression, anxiety, and substance use disorder among professionals in the legal community. House concurs. Senate concurs. Conference concurs.	FTE	0.0	1.0
	Gross	\$0	\$170,000
	GF/GP	\$0	\$170,000
11. Judicial Security Executive includes \$475,000 GF/GP and authorization for 1.0 FTE position for judicial security. Funding would be used by SCAO to enter a contract with a vendor that would assist all interested judges with removing their personal information from the internet (e.g., home addresses, phone numbers, children's school addresses). House does not include funding or authorization for FTE position. Senate concurs with executive.	FTE	0.0	1.0
	Gross	\$0	\$475,000
	GF/GP	\$0	\$475,000
12. Increased Costs for Facility Security Executive includes \$50,400 GF/GP to cover increased costs of security staff provided through a contract with DK Security. Hourly minimum wage for security staff was increased. House concurs. Senate concurs. Conference concurs.	Gross	NA	\$50,400
	GF/GP	NA	\$50,400
13. Legal Assistant Position for the Supreme Court Executive includes \$110,000 GF/GP to support 1.0 legal assistant position that would be shared by the Office of General Counsel and the Office of Administrative Counsel within the Supreme Court. The position is requested due to an increased administrative workload that is currently being managed by legal staff. House concurs. Senate concurs. Conference concurs.	FTE	0.0	1.0
	Gross	\$0	\$110,000
	GF/GP	\$0	\$110,000
14. Federal Funds Adjustment for Drug Treatment Courts Executive includes authorization to receive an additional \$305,000 in federal grant funding from the Office of Highway Safety Planning. Funding would be used to support drug treatment courts. House concurs. Senate concurs. Conference concurs.	Gross	NA	\$305,000
	Federal	NA	305,000
	GF/GP	NA	\$0
 15. Removal of FY 2023-24 One-Time Appropriations Executive removes \$5.5 million of one-time GF/GP funding that was included in the FY 2023-24 budget to support the following: Statewide Court Data Transparency Project (\$4.5 million GF/GP) Expungement Initiative (\$700,000 GF/GP) Judicial Institute (\$300,000 GF/GP). House concurs. Senate concurs. Conference concurs. 	Gross	\$5,500,000	(\$5,500,000)
	GF/GP	\$5,500,000	(\$5,500,000)
16. Economic Adjustments Executive reflects a net increase in costs of \$9.6 million Gross (\$8.9 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2024), insurances, actuarially required retirement contributions, worker's compensation, building occupancy charges, and rent. House concurs. Senate concurs. Conference concurs.	Gross Federal Private Restricted GF/GP	NA NA NA NA NA	\$9,623,300 76,300 1,400 600,900 \$8,944,700

FY 2023-24 FY 2024-25

Major Budget Changes from FY 2023-24 Enacted Appropriations		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 Conference <u>Change</u>
17. Operation Drive House includes \$2.0 million of one-time GF/GP to support the Operation Drive program. Of the total, \$1.0 million would be allocated to the 52nd District Court in Oakland County and \$1.0 million would be allocated to district courts statewide that want to establish a program. The program would assist individuals with regaining driving privileges by providing guidance on how to address underlying issues that led to driver license suspension, guidance on how to maintain responsibility, and guidance on how to address traffic tickets, warrants, court appearances, and payment of fees and fines. Senate does not include. Conference includes \$1.0 million of one-time GF/GP. Of the total, \$500,000 would be allocated to the 52nd District Court in Oakland County and \$500,000 would be allocated to district courts statewide that want to establish a program.	Gross	\$0	\$1,000,000
	GF/GP	\$0	\$1,000,000
18. Prescription Compliance through Oral Fluid Testing House includes \$990,900 GF/GP (\$490,900 ongoing; \$500,000 one- time) for SCAO to continue the prescription compliance through oral fluid testing program in veterans and mental health treatment courts and to expand the program to other veterans and mental health treatment courts and to drug treatment courts that want to participate. Senate does not include. Conference includes \$500,000 of one-time GF/GP for SCAO to continue the program.	Gross	\$0	\$500,000
	GF/GP	\$0	\$500,000
19. Eviction Diversion Pilot Program House includes \$500,000 of one-time GF/GP to support an eviction diversion pilot program in 14A District Court in Washtenaw County. Funds would be used to assist tenants experiencing financial hardship through a collaborative program designed to settle landlord-tenant disputes and prevent eviction and homelessness. Senate does not include. Conference includes \$500,000 of one-time GF/GP.	Gross	\$0	\$500,000
	GF/GP	\$0	\$500,000
20. MAACS Financial Oversight and Support Attorney House includes \$150,500 GF/GP and authorization for 1.0 FTE position to support a financial oversight and support attorney for MAACS. The attorney would be responsible for developing and implementing a review and audit procedure for attorney fee vouchers. Senate does not include. Conference includes \$150,000 GF/GP and 1.0 FTE position.	FTE	0.0	1.0
	Gross	\$0	\$150,000
	GF/GP	\$0	\$150,000
21. Additional Retirement Contribution for Judges House includes a \$100 placeholder for potential costs associated with House Bill 5328. The bill would require an additional state-funded 2% retirement contribution for judges. Senate does not include. Conference incudes \$1.9 million GF/GP for this purpose.	Gross	\$0	\$1,900,000
	GF/GP	\$0	\$1,900,000
22. Juvenile Indigent Defense Senate includes \$1.0 million of one-time GF/GP for juvenile indigent defense grants to address the lack of representation for juveniles charged with felony offenses. Conference does not include funding for this purpose.	Gross	\$0	\$0
	GF/GP	\$0	\$0
23. Status Offender Pilot Program Conference includes authorization for SCAO to receive and expend federal funding through an IDG from the Department of Health and Human Services for the Status Offender Pilot program. Funding would be awarded by the Office of Juvenile Justice Delinquency and Prevention and would be used by eligible courts to provide services for diverted youth.	Gross	\$0	\$500,000
	IDG	0	500,000
	GF/GP	\$0	\$0

Major Boilerplate Changes from FY 2023-24

Note: Boilerplate throughout the bill was revised to include non-substantive technical changes agreed to by the House, the Senate, and the Legislative Service Bureau. Section numbers listed for retained/revised/new sections are as they appear in the conference report. Section numbers may be different from section numbers listed in current law and in the House and Senate passed versions of the Judiciary bill.

Sec. 208. Transparency Website - RETAINED

Requires the judicial branch to maintain a searchable website that is accessible by the public at no cost and includes all expenditures made by the judicial branch within the fiscal year and purposes for which the expenditures were made. Executive deletes. House retains. Senate retains. Conference retains.

Sec. 209. Report on State Restricted Funds - RETAINED

Requires the judicial branch to work with the state budget office to report annually on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures. <u>Executive</u> deletes. <u>House</u> retains. Senate retains. Conference retains.

Sec. 210. Appropriation of Additional Revenue - NOT INCLUDED

Appropriates an additional \$2.5 million in federal revenue, \$2.5 million in state restricted revenue, and \$500,000 in private revenue should the revenue become available. Executive includes new language. House does not include new language. Senate includes new language. Conference does not include new language.

Sec. 211. Website for Information - DELETED

Requires judiciary to maintain, on a publicly accessible website, information that identifies, tracks, and regularly updates key metrics used to monitor and improve judiciary's performance. <u>Executive</u> deletes. <u>House</u> deletes. <u>Senate</u> deletes. <u>Conference deletes</u>.

Sec. 211. Disciplinary Action Against State Employees - RETAINED

Prohibits the judicial branch from taking disciplinary action against employees for communicating with legislators or their staff unless the communication is prohibited by law and the judicial branch is exercising its authority. Executive deletes. House retains. Senate retains. Conference retains.

Sec. 212. Receipt and Retention of Required Reports - RETAINED

Requires the judicial branch to receive and retain copies of all required reports; requires federal and state guidelines to be followed for short- and long-term retention of records; authorizes the judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines. <u>Executive</u> deletes. <u>House</u> retains. <u>Senate</u> retains. Conference retains.

Sec. 213. Expending Available Work Project Authorization - NOT INCLUDED

Prohibits appropriations that have unexpended work project authorization associated with them, to the extent possible, from being expended until all existing work project authorization for the same purpose is exhausted. <u>Executive</u> does not include new language. <u>House</u> includes new language. <u>Senate</u> does not include new language. <u>Conference</u> does not include new language.

Sec. 215. Linking Swift and Sure Sanctions Program to DHHS, LEO, and MDOC Programming - DELETED

Authorizes SCAO to identify programs within the Departments of Health and Human Services, Labor and Economic Opportunity, and Corrections that have programmatic connections with Swift and Sure Sanctions program participants for the purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to provide guidance to courts participating in the Swift and Sure Sanctions program of available DHHS, LEO, and MDOC programming. Executive deletes. House retains. Senate deletes. Conference deletes.

Sec. 306. Report on Problem-Solving Courts - REVISED

Requires SCAO to provide a statistical report on drug treatment, mental health, and veterans court programs, including information on the number and types of programs established, the number of program participants in each jurisdiction, program impacts on offender criminal involvement and recidivism, and an accounting of prior year expenditures, including grant amounts requested by courts, grant amounts awarded to courts, and grant amounts expended by courts. Executive consolidates this section with Sec. 307 to reflect consolidation of problem-solving court appropriations and associated boilerplate. House retains current law structure but revises to specify that information is required to be submitted for each individual court by program and revises the reporting date. Senate consolidates this section with Sec. 307 to reflect consolidation of problem-solving court appropriations and associated boilerplate. Conference retains current law structure and concurs with House revisions.

Major Boilerplate Changes from FY 2023-24

Sec. 307. Drug Treatment Courts - RETAINED

Requires SCAO to administer appropriation for operating drug treatment court programs; requires drug treatment courts to handle cases involving nonviolent offenders having substance use disorders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives; requires allocation of sufficient funding for Michigan Judicial Institute to provide in-state training for drug treatment court staff and judges; authorizes consideration of priority to be given to courts where higher instances of substance use disorder cases are filed; specifies that \$1.5 million in federal Byrne grant revenue is to be used for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders. Executive consolidates this section with Sec. 306 to reflect consolidation of problem-solving court appropriations and associated boilerplate. House retains current law structure and language. Senate consolidates this section with Sec. 306 to reflect consolidation of problem-solving court appropriations and associated boilerplate. Conference retains current law structure and language.

Sec. 308. Swift and Sure Sanctions Program - REVISED

Requires SCAO to administer the Swift and Sure Sanctions program and distribute grants to qualifying courts; authorizes SCAO to expend \$150,000 of the appropriation to pay for employee costs associated with administration of the program; reserves \$500,000 for programs in counties that had more than 325 individuals sentenced to prison in the previous calendar year; requires SCAO to work with the Department of Corrections to report on courts receiving funding, number of offenders participating in the program, criminal history of offenders, recidivism rates, parameters of the program, courts participating in the program, and an accounting of prior year expenditures, including grant amounts requested by courts, grant amounts awarded to courts, and grant amounts expended by courts. Executive retains current language. House revises to specify that information is required to be submitted for each individual court by program and revises the reporting date. Senate retains current language. Conference concurs with House revisions.

Sec. 309. Prescription Compliance through Oral Fluid Testing Program - DELETED

Requires SCAO to continue the Prescription Compliance through Oral Fluid Testing program; requires SCAO to report on the number of programs established, the number of program participants in each jurisdiction, program testing and results, program treatment, and program outcomes, including rearrest rate of participants while participating in the program. Executive deletes. House revises to require that no less than \$490,900 be allocated for continuing the program, adds requirement for report to also include the number of tests completed and the benefits of the program to the state, and revises the reporting date. Senate deletes. Conference deletes.

Sec. 312. Allocation of Funding for Statewide Judicial Case Management System – DELETED

Requires not more than \$6.5 million to be used to offset loss of local user fee revenue previously paid by trial courts that have already transitioned to the new system and \$5.4 million to support staff and other operating costs as trial courts continue to transition to the new system. <u>Executive</u> deletes. <u>House</u> deletes. <u>Senate</u> retains. <u>Conference</u> deletes.

Sec. 312. Prohibit Charging Fees for Use of Statewide Case Management - NEW

Prohibits SCAO from imposing or collecting local user fees from trial courts that use the statewide judicial case management system. <u>Executive</u> includes new language. <u>House</u> includes new language. <u>Senate</u> does not include new language. Conference includes new language.

Sec. 314. Medication-Assisted Treatment Program - RETAINED

Requires judiciary to maintain a medication-assisted treatment program to provide treatment for opioid- and alcohol-addicted individuals who are referred to and who voluntarily participate in the program; requires judiciary to report on the program, including itemized spending by court, number of participants, and statistics that indicate average program participation duration and success rates; specifies that the goal of the program is for participants to be free of narcotic addiction prior to ending participation in the program. Executive deletes. House retains. Senate retains. Conference retains.

Sec. 401. Expungement Initiative - DELETED

Requires allocation of \$650,000 to Legal Aid Defender Association, Inc. in Detroit for providing expungement services and \$50,000 to Allegan County for providing legal aid services. <u>Executive</u> deletes. <u>House</u> deletes. <u>Senate</u> deletes. Conference deletes.

Sec. 401. Eviction Diversion Pilot Program - NEW

Requires one-time appropriation to be used to support an eviction diversion pilot program in 14A District Court in Washtenaw County; requires funds to be used to assist tenants experiencing financial hardship through a collaborative program designed to settle landlord-tenant disputes and prevent eviction and homelessness; requires SCAO to report on the number of program participants, the number of disputes settled, the number of evictions avoided, and other program outcomes, including the benefit of the program to participants and the benefit of the program to the state; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language. Conference includes new language.

Major Boilerplate Changes from FY 2023-24

Sec. 402. Court Administration Bench Book - DELETED

Designates unexpended funding as a work project appropriation; states purpose of the project is to develop and maintain a court administration bench book. Executive deletes. House deletes. Senate deletes. Conference deletes.

Sec. 402. Status Offender Pilot Program - NEW

Requires SCAO to establish a grant program to award 5 eligible courts with grants of up to \$100,000 for innovative, community-based diversion programs and services that work solely with youth for who the court receives a complaint, referral, or petition for what is alleged to be a status offense; authorizes SCAO to partner with DHHS; designates unexpended funding as a work project account. Executive does not include new language. House does not include new language. Conference includes new language.

Sec. 403. Statewide Court Data Transparency Project - DELETED

Designates unexpended funding as a work project appropriation; states purpose of the project is to collect and analyze court data, publish court data in a data portal, and develop data-driven criminal justice policies and goals. <u>Executive</u> deletes. House deletes. Senate deletes. Conference deletes.

Sec. 403. Operation Drive - NEW

Requires \$500,000 to be allocated to the 52nd District Court in Oakland County and \$500,000 to be allocated to district courts statewide that want to establish a program; requires courts receiving funding to work with the 44th District Court in Royal Oak on establishing a program; requires program to provide individuals with guidance on how to address underlying issues that led to driver license suspension, guidance on how to maintain the individual's responsibility, and guidance on how to address traffic tickets, warrants, court appearances, and payment of fees and fines; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language. Conference includes new language.

Sec. 404. Prescription Compliance through Oral Fluid Testing Program - NEW

Requires \$500,000 to be used to continue the program in veterans, mental health, and drug treatment courts that want to participate; requires SCAO to report on the number of programs, the number of program participants in each jurisdiction, the number of tests completed, program testing and results, program treatment, and program outcomes, including rearrest rate of participants, and the benefit of the program to the state; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

FY 2023-24 Supplemental Appropriation Items Article 16, Senate Bill 747 (S-1) CR-1		Appropriation <u>Change</u>
1. Judicial Security Includes \$237,500 GF/GP and authorization for 0.5 FTE position for judicial security. Funding would be used by SCAO to enter into a contract with a vendor that would assist all interested judges with removing their personal information from the internet (e.g., home addresses, phone numbers, children's school addresses, etc.).	FTE Gross GF/GP	0.5 \$237,500 \$237,500
2. Court of Appeals Facility Renovations Includes \$765,000 GF/GP for the Court of Appeals to complete renovating existing space in Cadillac Place so judges can be moved from private leased space in Troy to state owned space.	Gross GF/GP	\$765,000 \$765,000
3. Employee Lump Sum Payments Includes \$1.1 million GF/GP to cover costs of one-time lump sum payments for eligible employees.	Gross GF/GP	\$1,068,900 \$1,068,900

FY 2023-24 Supplemental Boilerplate Items

Article 16, Senate Bill 747 (S-1) CR-1

Sec. 751. Employee Lump Sum Payments for Judicial Branch

Requires the judiciary to expend funds appropriated for employee lump sum payments for costs associated with employee lump sum payments of up to the same amounts approved by the Civil Service Commission for non-exclusively represented employees; authorizes accounting transactions to be made to effectuate payments in SIGMA.