



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 754 (as introduced 1-23-20)
Sponsor: Senator Curtis S. VanderWall
Committee: Judiciary and Public Safety

Date Completed: 3-4-20

CONTENT

The bill would amend the Revised Judicature Act delete a provision specifying that the probate judge of Lake County serves as judge of the 79th Judicial District in Lake County, and that the probate judge of Mason County serves as judge of the 79th Judicial District in Mason County.

Under the Act, until the date determined below, the 79th Judicial District consists of Lake County and Mason County, is a district of the first class, and has one judge.

Beginning on the date on which a vacancy occurs in the office of the district judge in the 79th Judicial District or the beginning date of the term for which the incumbent 79th district judge no longer seeks election or reelection to that office, whichever is earlier, the 79th Judicial District consists of Lake County and Mason County and is a district of the first class. Under Section 810a, the probate judge for Lake County must serve as the 79th district judge within Lake County and the probate judge for Mason County must serve as the 79th district judge within Mason County. (Section 810a specifies that the probate judges in Alcona, Arenac, Baraga, Benzie, Crawford, Iron, Kalkaska, Lake, Missaukee, Montmorency, Ontonagon, Oscoda, and Presque Isle Counties have the jurisdiction, powers, duties, and title of district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge. In counties where the only district judgeship is being eliminated and Chapter 81 (District Court: Establishment; Districts) provides that Section 810a applies, a probate judge in that county has the jurisdiction, powers, duties, and title of district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge.)

The bill would delete these provisions.

Instead, under the bill, the 79th Judicial District would consist of Lake County and Mason County, be a district of the first class, and have one judge.

MCL 600.8144

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no direct fiscal impact on State or local government. Although the bill would eliminate a sunset provision for a district court judgeship in the 79th District, the position is filled by the Honorable Peter J. Wadel, who will be aged out of office at the end of the calendar year. Elimination of the sunset provision would maintain the financial status quo

in regards to the State's spending on district court judge salaries and benefits. The current salary for a district court judge is \$149,655, with an annual cost to the State of \$170,541.

The elimination of the judgeship was part of the State Court Administrative Office's Annual Judicial Resources Recommendations as recently as 2018; however, the most recent report (from December 2019), recommends that the 79th and 78th District Courts be merged to form a single district. According to the report, the merger would remove the need to eliminate the 79th District Court judgeship.

Notwithstanding the language contained in the Judicial Resources Recommendations, the bill would maintain the current district court judgeship beyond the calendar year and, likewise, would maintain current spending.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.