

ELIMINATION OF JUDGESHIPS

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House Bills 5074 and 5104
Sponsor: Rep. Pat Somerville

House Bill 5102
Sponsor: Rep. Kurt Heise

House Bills 5075 and 5107
Sponsor: Rep. Peter Pettalia

House Bill 5108
Sponsor: Rep. Jeff Irwin

Committee: Judiciary
Complete to 11-2-11

A SUMMARY OF HOUSE BILLS 5074-5075 AS INTRODUCED 10-13-11 AND HOUSE BILLS 5102, 5104, AND 5107-5108 AS INTRODUCED 10-19-11

The bill package would amend various sections of the Revised Judicature Act to eliminate judgeships from district and circuit courts, merge or consolidate judicial circuits, and shift the duties of district judge to a county's probate judge.

In general, the reductions or consolidations would take effect on the date on which a vacancy occurred or the beginning date of the term for which an incumbent no longer sought election or reelection to that office, whichever occurred first.

In addition, by statute, each county that is not part of a probate court district must have at least one probate judge and each probate court district must have one judge of probate. Some of the bills would eliminate one or more district court judgeships and shift those duties to the probate judge of the county or probate court district.

House Bill 5074 would amend MCL 600.8133 to reduce from one to two the number of judgeships in the 66th District (County of Shiawassee).

House Bill 5075 would amend MCL 600.528 and 600.8144. The bill would impact the following courts:

- 27th Judicial Circuit (Counties of Newaygo and Oceana) – eliminate one of two judgeships in the Circuit Court.
- 79th District Court (Counties of Lake and Mason) is served by one district court judge. Under the bill, when a vacancy occurs in the district court judgeship, that judgeship would be eliminated. The probate judges of Lake and Mason Counties would then also serve as the district court judges in their respective counties.

House Bill 5102 would amend MCL 600.525, 600.549d, and 600.550a as follows:

The 24th Judicial Circuit (County of Sanilac) and 52nd Judicial Circuit (County of Huron) each have one circuit court judgeship. The bill would consolidate the two

circuits, abolish the 52nd Judicial Circuit, and specify that the 24th Judicial Circuit consisted of Huron and Sanilac Counties with one judge.

The bill would also specify that the division of a circuit or the consolidation of two or more circuits that did not result in an increase in the total number of judgeships would not require a resolution of approval by the county board of commissioners under either Section 550 or 550a.

House Bill 5104 would amend MCL 600.519 and 600.8139 and would impact the following courts in Bay County:

- 18th Judicial Circuit – eliminate one of three judgeships.
- 74th District Court – eliminate one of three judgeships.

House Bill 5107 would amend MCL 600.543 and 600.8140 and would impact the following courts in Midland County:

- 42nd Judicial Circuit – eliminate one of two judgeships.
- 75th District Court – eliminate one of two judgeships.

House Bill 5108 would amend MCL 600.803 et al. and would impact the following courts:

- 65-B District Court (County of Gratiot) – Beginning January 1, 2011, combine the office of probate judge for Gratiot County with the district court, making two judges of probate. When the incumbent judge of the 65B District Court completes the current term of office at the end of 2012, Gratiot County would have one probate judge beginning January 1, 2013.
- 2-B District Court (County of Hillsdale) – similarly, the 2-B district court would be combined with the office of probate judge for the county beginning January 1, 2012; would have two probate judges until a vacancy occurred; and then would have one judge of probate.
- 91st District Court (County of Chippewa) – Beginning January 1, 2012, the court would be combined with the office of probate judge; have two probate judges until a vacancy occurred; and then have just one judge of probate.
- 94th District Court (County of Delta) – Beginning January 1, 2012, the bill would combine the district court with the office of probate judge; have two judges until a vacancy occurred; and then have just one judge of probate.

A combination of the office of probate judge with a judicial office of limited jurisdiction within a county that did not result in an increase in the total number of judgeships would not require a resolution of approval by the county board of commissioners.

FISCAL IMPACT:

Together, these bills would eliminate eight district judgeships and four circuit court judgeships. The cost to the state for a circuit judgeship includes the judge's salary, employer required retirement contributions, and the employer portion of FICA taxes, totaling approximately \$158,000 for a circuit or probate judge and \$156,500 for a district judge.

Removing all of these judgeships would result in a total savings to the state of \$1,884,000 per year once all judgeships are eliminated.

Because these judgeships are removed by attrition, these savings would only come into effect as judges retire or choose not to run for reelection. The outside dates for the removal of each of these judgeships range from 2012 to 2039. However, judges could retire or choose not to run for reelection before this date, in which case savings would be realized before the outside date. The full savings related to eliminating these judgeships will not be reflected in the state budget for several years.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.