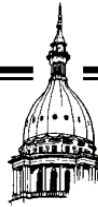




Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 653 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 11-4-13

**CONTENT**

The bill would amend the Revised Judicature Act (RJA) to do the following:

- Eliminate four circuit judgeships in the Third Judicial Circuit (Wayne County), effective January 1, 2015.
- Authorize the addition of a circuit judgeship in the Sixth Judicial Circuit (Oakland County), effective January 1, 2019.
- Authorize the addition of two circuit judgeships in the 16<sup>th</sup> Judicial Circuit (Macomb County), effective January 1, 2019, and the addition of one more judgeship effective January 1, 2021.
- Authorize the addition of a circuit judgeship in the 17<sup>th</sup> Judicial Circuit (Kent County), effective January 1, 2015.
- Delete a provision reducing the number of judgeships in the Seventh Judicial District (Van Buren County) from two to one upon a judicial vacancy or when an incumbent judge no longer seeks election or re-election.
- Authorize the consolidation of the 18<sup>th</sup> and 29<sup>th</sup> Judicial Districts in Wayne County.
- Authorize the consolidation of the 27<sup>th</sup> and 28<sup>th</sup> Judicial Districts in Wayne County.
- Revise the potential date of a scheduled reduction of one judgeship in the 33<sup>rd</sup> Judicial District in Wayne County.
- Revise the potential dates of scheduled reductions of two judgeships in the 44<sup>th</sup> Judicial District, one judgeship in the 48<sup>th</sup> Judicial District, and one judgeship in the 50<sup>th</sup> Judicial District, in Oakland County.
- Eliminate an additional judgeship in the 50<sup>th</sup> District (City of Pontiac) upon a judicial vacancy (unless it occurred after a judge's successor was elected but before he or she took office) or the beginning date of a term for which an incumbent did not seek election or re-election.
- Authorize the addition of a district judgeship in the 63<sup>rd</sup> Judicial District in Kent County, effective January 1, 2015.
- Authorize the consolidation of the 67<sup>th</sup> and 68<sup>th</sup> Judicial Districts in Genesee County, and revise the potential date of a scheduled reduction of one judgeship in the 68<sup>th</sup> District.
- Eliminate one judgeship from the second division of the 70<sup>th</sup> Judicial District (Saginaw County), and provide for the transfer of one judgeship from the first division to the second division.

- **Indicate that if a district control unit approved a consolidation, the district control unit would voluntarily accept the resulting expenses and the consolidation would not affect the State's obligation to pay costs.**

#### Circuit Court Judgeships

The Third Judicial Circuit consists of Wayne County and has 60 judges. Under the bill, beginning at noon on January 1, 2015, the Third Circuit would have 56 judges.

The Sixth Judicial Circuit consists of Oakland County and is authorized to have 19 judges, although it currently has 18 judges under a provision that temporarily eliminated one judgeship until noon on January 1, 2015. Under the bill, subject to Section 550, the Sixth Judicial Circuit could have one additional judge beginning January 1, 2019.

The 16<sup>th</sup> Judicial Circuit consists of Macomb County and is authorized to have 13 judges, although it currently has 12 judges under a provision that temporarily eliminated one judgeship until noon on January 1, 2017. Under the bill, subject to Section 550, the 16<sup>th</sup> Judicial Circuit could have two additional judges beginning January 1, 2019, and one additional judge beginning January 1, 2021.

The 17<sup>th</sup> Judicial Circuit consists of Kent County and has 10 judges. Under the bill, subject to Section 550, the 17<sup>th</sup> Circuit could have one additional judge beginning January 1, 2015.

(Under Section 550, additional circuit judgeships may not be created unless approved by each county in the circuit.)

#### District Court Judgeships

Seventh District. The Seventh Judicial District consists of Van Buren County and has two judges. Under the RJA, the Seventh District will have just one judge beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the Seventh District.
- The beginning date of the term for which an incumbent district judge in the Seventh District no longer seeks election or re-election to that office.

The bill would delete the provision reducing the Seventh District from two judgeships to one.

Consolidation of the 18<sup>th</sup> & 29<sup>th</sup> Districts. The 18<sup>th</sup> Judicial District consists of the City of Westland and has two judges. The 29<sup>th</sup> Judicial District consists of the City of Wayne and has one judge. Under the bill, if the governing bodies of Westland and Wayne approved by resolutions the consolidation of the 18<sup>th</sup> and 29<sup>th</sup> Districts before January 1, 2016, the 29<sup>th</sup> District would be abolished, and the 18<sup>th</sup> District would consist of the Cities of Wayne and Westland and have three judges, effective on that date.

The additional judgeship in the 18<sup>th</sup> District would have to be filled by the incumbent judge of the 29<sup>th</sup> District for the balance of his or her term. For purposes of the November 2018 general election only, the term of the candidate for district judge in the 18<sup>th</sup> District who received the most votes would be 10 years and the term of the candidate who received the second-most votes would be six years.

The city clerks of Wayne and Westland would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved.

Consolidation of the 27<sup>th</sup> & 28<sup>th</sup> Districts. The 27<sup>th</sup> Judicial District consists of the Cities of Riverview and Wyandotte and has one judge. The 28<sup>th</sup> Judicial District consists of the City of Southgate and has one judge. Under the bill, if the governing bodies of Riverview, Southgate, and Wyandotte approved by resolutions the consolidation of the 27<sup>th</sup> and 28<sup>th</sup> Districts before January 1, 2016, the 27<sup>th</sup> District would be abolished and the 28<sup>th</sup> District would consist of the Cities of Riverview, Southgate, and Wyandotte and have two judges, effective on that date.

The additional judgeship in the 28<sup>th</sup> District would be filled by the incumbent judge of the 27<sup>th</sup> District, who would become a judge of the 28<sup>th</sup> Judicial District for the balance of his or her term.

The city clerks of Riverview, Southgate, and Wyandotte would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved.

33<sup>rd</sup> District. The 33<sup>rd</sup> Judicial District consists of the Cities of Flat Rock, Gibraltar, Rockwood, Trenton, and Woodhaven and the Townships of Brownstown and Grosse Ile, and has three judges. The 33<sup>rd</sup> District will have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

44<sup>th</sup> District. The 44<sup>th</sup> Judicial District consists of the City of Royal Oak and has two judges. Beginning January 2, 2015, the 44<sup>th</sup> District will consist of the Cities of Royal Oak and Berkley and have three judges.

Beginning January 3, 2015, the 44<sup>th</sup> District will have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

Following the reduction in the number of judgeships from three to two, the 44<sup>th</sup> District will have one judge beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

Relative to both judicial reductions, the bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

48<sup>th</sup> District. The 48<sup>th</sup> Judicial District consists of the Cities of Birmingham, Bloomfield Hills, Keego Harbor, Orchard Lake Village, and Sylvan Lake and the Townships of Bloomfield and West Bloomfield, in Oakland County, and has three judges.

The 48<sup>th</sup> District will have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

50<sup>th</sup> District. The 50<sup>th</sup> Judicial District consists of the City of Pontiac and has four judges. The 50<sup>th</sup> District will have three judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

In addition, under the bill, following or simultaneously with the reduction in the number of judgeships from four to three, the 50<sup>th</sup> District would have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after a judge's successor in office had been elected but before the successor took office.
- The beginning date of the term for which an incumbent district judge no longer sought election or re-election.

63<sup>rd</sup> District. The 63<sup>rd</sup> Judicial District consists of Kent County, except for the Cities of Grand Rapids, Grandville, Kentwood, Walker, and Wyoming, and is divided into two election divisions, each of which has one judge.

Under the bill, beginning January 1, 2014, the 63<sup>rd</sup> District would consist of the same portion of Kent County, but would not have separate election divisions. Subject to Section 8175, the 63<sup>rd</sup> District could have one additional judge beginning January 1, 2015. For purposes of the November 2014 general election, all of the following would apply:

- The term of the candidate for an existing judgeship who received the most votes would be eight years.
- The term of the candidate for an existing judgeship who received the second-most votes would be six years.
- If a new judgeship were added, the term of the candidate for the new judgeship who received the most votes would be four years.

(Under Section 8175, additional district judgeships may not be created unless approved by the local district control unit.)

Consolidation of the 67<sup>th</sup> & 68<sup>th</sup> Districts. The 67<sup>th</sup> Judicial District consists of Genesee County, except for the City of Flint. It is divided into four elections divisions, with a total of six judges. The 68<sup>th</sup> Judicial District consists of the City of Flint and has five judges. The 68<sup>th</sup> District will have four judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

Under the bill, if the governing bodies of Genesee County and Flint approved by resolutions the consolidation of the 67<sup>th</sup> and 68<sup>th</sup> Districts, beginning the first January 2 after the approval of both governing bodies, the 68<sup>th</sup> District would be abolished and the 67<sup>th</sup> District would consist of Genesee County. The consolidated district would be divided into the following election divisions with the indicated number of judges:

- The first division, consisting of the Cities of Clio and Flushing and the Townships of Flint, Flushing, Montrose, Thetford, and Vienna, with one judge.
- The second division, consisting of the Cities of Burton and Davison and the Townships of Atlas, Davison, Forest, and Richfield, with two judges.
- The third division, consisting of the City of Mt. Morris and the Townships of Genesee and Mt. Morris, with one judge.
- The fourth division, consisting of the Cities of Fenton, Grand Blanc, and Swartz Creek and the Townships of Argentine, Clayton, Fenton, Gaines, Grand Blanc, and Mundy, with two judges.
- The fifth division, consisting of the City of Flint, with judges as described below.

The incumbent judges of the 68<sup>th</sup> District would become judges of the proposed fifth division for the balance of the term to which they were elected or appointed. If there were five judges in the 68<sup>th</sup> District at the time of the consolidation, the fifth division would have five judges. The fifth division would have four judges beginning on the date on which a vacancy occurred in the office of district judge in the division, unless the vacancy occurred after a judge's successor in office had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the fifth division no longer sought election or re-election to that office, whichever was earlier.

If there were four judges in the 68<sup>th</sup> District at the time of consolidation, the fifth division would have four judges.

The Genesee County clerk and the city clerk of Flint would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved and the date on which it would take effect.

The bill specifies that Section 8177 would not apply to the consolidation of the 67<sup>th</sup> and 68<sup>th</sup> Districts.

(Under Section 8177, consolidation of a district of the third class with a district of the second class may not take effect unless approved by the local district control units in each of the two districts. A district of the third class is a district consisting of one or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision, except as otherwise provided in the RJA. A district of the second class is a district consisting of a group of political subdivisions within a county and in which the county is responsible for maintaining, financing, and operating the district court, except as otherwise provided in the RJA.)

The court facilities of the 67<sup>th</sup> and 68<sup>th</sup> Districts, as the facilities existed on the bill's effective date, could not be closed before the second January 2 after the approval of both governing bodies.

70<sup>th</sup> District. The 70<sup>th</sup> Judicial District consists of Saginaw County and is divided into the following election divisions:

- The first division, consisting of the Cities of Saginaw and Zilwaukee and the Townships of Bridgeport, Buena Vista, Carrollton, and Zilwaukee, with three judges.
- The second division, consisting of the rest of Saginaw County, with three judges.

Under the bill, the second division would have two judges. The first division would have two judges, and the second division would have three judges, beginning on the date on which a vacancy occurred in the office of district judge in the first division, unless the vacancy occurred after a judge's successor in office had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the first division no longer sought election or re-election, whichever was earlier. The judgeship transferred from the first division to the second division under the bill would not be considered an additional judgeship for purposes of Section 8175 and could be filled by appointment by the Governor if it were the result of a vacancy in the first division.

Option to Consolidate Districts. The bill specifies that, by proposing and authorizing the consolidation of the 18<sup>th</sup> and 29<sup>th</sup> Districts, the 27<sup>th</sup> and 28<sup>th</sup> Districts, and the 67<sup>th</sup> and 68<sup>th</sup> Districts, the Legislature would not create a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approved the consolidation, the approval would constitute an exercise of the unit's option to increase the level of activity and services offered in that district control unit beyond that required by existing law and a voluntary acceptance by that district control unit of all expenses and capital improvements that could result from the consolidation. The exercise of the option would not affect the State's obligation to pay the same portion of each judge's salary that is paid by the State to other district judges, or to appropriate and disburse funds to the district control unit for the necessary costs of State requirements established by law that became effective on or after December 23, 1978.

MCL 600.504 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would call for seven additions and six reductions to the judiciary in Michigan. The bill would add five circuit court judgeships and two district court judgeships, while removing four circuit court judgeships and two district court judgeships, resulting in a net change in judicial resources from the State's perspective of one additional circuit court judgeship.

The positions affected include a mix of circuit court and district court judgeships. The salaries, payroll taxes, and retirement benefits of both circuit and district judges are paid for by the State, while fringe benefits such as health care and any associated staff and overhead costs are paid for by the local court system. Each circuit court judgeship costs the State \$158,364, while each district court judgeship costs the State \$156,578. The associated local costs vary from circuit to circuit and district to district.

The bill also would provide for three consolidations of district courts, by authorizing the mergers of the 67<sup>th</sup> and 68<sup>th</sup> districts, the 18<sup>th</sup> and 29<sup>th</sup> districts, and the 27<sup>th</sup> and 28<sup>th</sup> districts. In the cases of the 67<sup>th</sup> and 68<sup>th</sup> districts (City of Flint with a surrounding Genesee County district), and the 18<sup>th</sup> and 29<sup>th</sup> districts (Westland and Wayne), the goal of the consolidation would be to take a court with a judicial need and merge it with a neighboring district that has judicial excess. This allows the workload to be more closely aligned with the number of judgeships in the combined district, without the need for the creation of new judgeships or the reduction of existing judgeships. In the case of the 27<sup>th</sup> and 28<sup>th</sup> districts (Wyandotte and Southgate), both districts currently have judicial excess, so the merged district also would have judicial excess. This merger could be an attempt to create

efficiencies through economies of scale, as both districts presently consist of only one judge. Savings through efficiencies from economies of scale would be possible in the cases of all three mergers, but the magnitude of potential savings would depend on the extent to which facilities, overhead, and staffing costs could be reduced.

Fiscal Analyst: Dan O'Connor

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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.