

Legislative Analysis



REINSTATEMENT OF JUDGESHIP FOR MENOMINEE COUNTY

House Bill 4161 as introduced
Sponsor: Rep. Beau Matthew LaFave
Committee: Judiciary

Senate Bill 87 as passed by the Senate
Sponsor: Senator Ed McBroom
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Complete to 2-25-19

SUMMARY:

House Bill 4161 and Senate Bill 87, which are identical, would each amend the Revised Judicature Act of 1961 to remove language eliminating the judgeship for the 95-A District Court (Menominee County) and to reinstate the judgeship for that court.

The State Court Administrative Office reviews Michigan's judicial needs every two years and compiles its findings in the *Judicial Resources Recommendations* (JRR). The report provides recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. The 2011 JRR report recommended that a total of 45 judgeships be eliminated by attrition, one of which was the 95-A District Court judgeship.

As a result of this recommendation, Public Act 21 of 2012 amended the Revised Judicature Act to eliminate the judgeship for the 95-A judicial district and to designate the Menominee County probate judge to serve as judge of the 95-A district in addition to his or her duties as probate judge. However, the act provides that this change does not take effect until the date a vacancy occurs in the office of district judge or on the beginning date of the term for which the incumbent judge no longer seeks reelection to that office, whichever is earlier.

According to Senate committee testimony regarding Senate Bill 87, the judgeship will be eliminated March 31, 2019.

House Bill 4161 and Senate Bill 87 would each remove the provisions eliminating the judgeship and provide that the 95-A judicial district consists of Menominee County, is a district of the first class, and has one judge.

MCL 600.8160

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FISCAL IMPACT:

House Bill 4161 and Senate Bill 87 would have no fiscal impact on the state or on Menominee County, because the current district court judgeship and associated personnel would continue under the bills.

It has been expected, since fiscal year 2012, that the district court judgeship in Menominee County was going to be eliminated due to attrition, and that the duties of the district court judge would be transferred to the probate court judge. This would have resulted in a savings to the state and to Menominee County. Those savings would no longer be realized under the bills because the district court judgeship would no longer be eliminated. Therefore, costs for the judgeship and associated personnel would continue for the state and the county. The state pays the salary, the employer portion of FICA taxes, and retirement benefits for district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by local court systems. The cost to the state for a district court judge is \$167,162. This amount includes the district court judge's salary of \$146,721 and \$20,441 in payroll taxes and retirement costs. State costs are funded roughly 97% with state GF/GP revenue. Local costs for judgeships vary from district to district.

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