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BILL ANALYSIS



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Senate Bill 87 (as introduced 2-6-19)
Sponsor: Senator Ed McBroom
Committee: Judiciary and Public Safety

Date Completed: 2-14-19

CONTENT

The bill would amend the Revised Judicature Act to delete a provision prescribing the number of judges of the 95th-A Judicial District, and a provision specifying that the probate judge of Menominee County serves as judge of the 95th-A Judicial District.

The Act specifies that the 95th-A Judicial District consists of Menominee County, is a district of the first class, and has the following number of judges:

- One judge, until the date determined below.
- Beginning the date on which a vacancy occurs in the office of district judge in the 95th-A Judicial District or beginning the date of the term for which the incumbent 95th-A district judge no longer seeks election or reelection to that office, whichever is earlier, the 95th-A district consists of Menominee County and is a district of the first class.

After the judgeship is eliminated, under Section 810a of the Act, the probate judge for Menominee County serves as judge of the 95th-A district. (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 95th-A district would consist of Menominee County, be a district of the first class, and have one judge.

MCL 600.8160

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would not have an immediate impact on State or local government. The bill would have a minor negative impact on the State's available resources for judicial compensation and an indeterminate impact on Menominee County.

For several years, the 95th-A District Court in Menominee County has been scheduled to lose its district judge by attrition, and the sitting judge for the 95th-A district has announced his

intention to leave the bench in March 2019. Currently, the duties of the sitting judge are scheduled to be transferred to the probate judge.

Preserving the district judge position in the 95th-A district would create a small funding shortfall within the Judiciary budget. According to the July 2017 Judicial Resources Recommendations report from the State Court Administrative Office, each district court judgeship costs the State \$159,342, nearly 97% of which comes from the General Fund.

Although district court judges are compensated through the State Judiciary budget, their staff and on-site resources are covered by the districts and the local communities in which they sit. The 95th-A district judgeship has been scheduled for elimination for several years. It is possible that the retention of the district judge position in the 95th-A Judicial District would have a negative impact on the local community that has, for several years, been planning on reduced administrative costs.

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.