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Senate Bills 654 (as enacted)  
Sponsor: Senator Jon Bumstead  
Senate Committee: Judiciary and Public Safety  
House Committee: Judiciary

**PUBLIC ACT 7 of 2022**

Date Completed: 8-11-22

**RATIONALE**

Article VI, Section 3 of the Michigan Constitution requires the Michigan Supreme Court to "appoint an administrator of the courts and other assistants of the supreme court as necessary to aid in the administration of the courts of this state". The Court exercises its oversight of Michigan courts through the State Court Administrative Office (SCAO). Among other things, SCAO is tasked with reviewing the State's judicial needs and, based on its findings, compiling the Judicial Resources Recommendations (JRR), a biennial report that assesses the workloads of the various courts across the State and makes recommendations to the Legislature. The 2019 JRR recommended the merger of Lake, Mason, Newaygo, and Oceana Counties into one circuit court and one district court. However, some people believed that this recommendation from the 2019 JRR was not the best approach. Instead, it was suggested that these counties' judicial circuits and districts be reorganized to better allocate population, caseloads, and judicial resources.

**CONTENT**

**The bill amended Chapter 5 (Circuit Courts: Organization and Powers) of the Revised Judicature Act (RJA) to do the following:**

- **Reorganize the 27<sup>th</sup> Judicial Circuit, which consists of Newaygo and Oceana Counties, to instead consist of Newaygo and Lake Counties, beginning July 1, 2022.**
- **Reorganize the 51<sup>st</sup> Judicial Circuit, which consists of Lake and Mason Counties, to instead consist of Mason and Oceana Counties, beginning July 1, 2022.**
- **Specify that the reorganization of the 27<sup>th</sup> and 51<sup>st</sup> Judicial Circuits does not require the approval of the county board of commissioners in each county in the circuit.**

**The bill also amended Chapter 81 (District Court: Establishment; Districts) of the RJA to do the following:**

- **Reorganize the 78<sup>th</sup> Judicial District, which consists of Newaygo and Oceana Counties, to instead consist of Newaygo and Lake Counties, beginning July 1, 2022.**
- **Reorganize the 79<sup>th</sup> Judicial District, which consists of Lake and Mason Counties, to instead consist of Mason and Oceana Counties, beginning July 1, 2022.**
- **Specify that the reorganization of the 78<sup>th</sup> and 79<sup>th</sup> Judicial Districts does not require the approval of the governing board of each district control unit in the district.**

The bill took effect on February 9, 2022.

27<sup>th</sup> Judicial Circuit

Under Section 528 of the RJA, the 27<sup>th</sup> Judicial Circuit consists of the Newaygo and Oceana Counties

and has two judges. Beginning on the earlier of the following dates, the 27<sup>th</sup> Judicial Circuit has one judge:

- The date on which a vacancy occurs in the office of circuit judge in the 27<sup>th</sup> Judicial Circuit.
- The beginning date of the term for which an incumbent circuit judge in the 27<sup>th</sup> Judicial Circuit no longer seeks election or reelection to that office.

Instead, under the bill, until June 30, 2022, the 27<sup>th</sup> Judicial Circuit consists of Newaygo and Oceana Counties and has one judge. Beginning July 1, 2022, the 27<sup>th</sup> Judicial Circuit consists of Newaygo and Lake Counties and has one judge.

The incumbent judge of the 27<sup>th</sup> Judicial Circuit who resides in Newaygo County becomes the judge of the reformed 27<sup>th</sup> Judicial Circuit on July 1, 2022, and serves until the term for which he or she was elected in the 27<sup>th</sup> Judicial Circuit expires.

#### 51<sup>st</sup> Judicial Circuit

Section 549c of the RJA specifies that the 51<sup>st</sup> Judicial Circuit consists of Lake and Mason Counties and has one judge. Under the bill, this provision applies until June 30, 2022. Beginning July 1, 2022, the 51<sup>st</sup> Judicial Circuit consists of Mason and Oceana Counties and has one judge.

The incumbent judge of the 51<sup>st</sup> Judicial Circuit who resides in Mason County becomes the judge of the reformed 51<sup>st</sup> Judicial Circuit on July 1, 2022, and serves until the term for which he or she was elected in the 51<sup>st</sup> Judicial Circuit expires.

#### Judicial Circuit Reformation

Section 550a of the RJA specifies that if a new judicial circuit is proposed by law, the new circuit may not be created and any circuit judgeship proposed for the circuit may not be authorized or filled by election unless the county board of commissioners in the each county in the circuit adopts a resolution approving the creation of the new circuit and each judgeship proposed for the circuit and the county clerk of each county adopting such a resolution files a copy of it with the State Court Administrator.

Under the bill, the reformation of the 27<sup>th</sup> and the 51<sup>st</sup> Judicial Circuits does not require a resolution of approval by the county boards of commissioners under Sections 550 or 550a. (Generally, Section 550 allows an additional circuit judgeship to be authorized if the county board of commissioners in each county in the circuit adopts a resolution approving the creation of that judgeship and the county clerk of each county adopting such a resolution files a copy of it with the State Court Administrator.)

#### 78<sup>th</sup> Judicial District

Section 8143 of the RJA species that the 78<sup>th</sup> Judicial District consists of Newaygo and Oceana Counties, is a district of the first class, and has one judge. Under the bill, this provision applies until June 30, 2022. Beginning July 1, 2022, the 78<sup>th</sup> Judicial District consists of Newaygo and Lake Counties, is a district of the first class, and has one judge.

The incumbent judge of the 78<sup>th</sup> Judicial District who resides in Newaygo County becomes the judge of the reformed 78<sup>th</sup> Judicial District on July 1, 2022, and serves until the term for which he or she was elected in the 78<sup>th</sup> Judicial District expires.

#### 79<sup>th</sup> Judicial District

Section 8144 of the RJA specifies that the 79<sup>th</sup> Judicial District consists of Lake and Mason Counties, is a district of the first class, and has one judge. Under the bill, this provision applies until June

30, 2022. Beginning July 1, 2022, the 79<sup>th</sup> Judicial District consists of Mason and Oceana Counties, is a district of the first class, and has one judge.

The incumbent judge of the 79<sup>th</sup> Judicial District who resides in Mason County becomes the judge of the reformed 79<sup>th</sup> Judicial District on July 1, 2022, and serves until the term for which he or she was elected in the 79<sup>th</sup> Judicial District expires.

MCL 600.528 et al.

## **BACKGROUND**

The 2011 JRR recommended the elimination by attrition of 45 trial (district, circuit, and probate) judgeships. Based on the SCAO's findings, the State enacted a legislative package eliminating over 40 judgeships. Public Act (PA) 18 of 2012 eliminated the district court judge position for the former configuration of the 79<sup>th</sup> Judicial District. Under PA 18, the elimination of the district judgeship would occur when a vacancy in the office of district judges occurred, or when the incumbent no longer sought election, at which point the Lake County probate judge would serve as the district judge for the 79<sup>th</sup> district in Lake County and the Mason County probate judge will serve as the district judge for the 79<sup>th</sup> district in Mason County. The district court judge for the 79<sup>th</sup> district at the time was constitutionally mandated to retire on December 31, 2020.<sup>1</sup> This would have triggered the elimination of the district judge position, as prescribed by PA 18. Public Act 82 of 2020 deleted provisions requiring the elimination of the 79<sup>th</sup> district judgeship.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Prior to the reorganization, the population of the former 27<sup>th</sup> Judicial Circuit and the former 78<sup>th</sup> Judicial District (Newaygo and Oceana Counties) was roughly 76,600 and the population of 51<sup>st</sup> the former 51<sup>st</sup> Judicial Circuit and the former 79<sup>th</sup> Judicial District (Mason and Lake Counties) was roughly 41,000, according to the 2020 decennial census. Reorganizing the circuit and district courts in Newaygo, Lake, Mason, and Oceana Counties balances out the population differences of those judicial boundaries.

Reorganizing the courts in those four counties also balances out the caseloads in those courts. According to testimony presented before the Senate Committee on Judiciary and Public Safety, the 51<sup>st</sup> Circuit Court and the 79<sup>th</sup> District Court had a combined caseload of 8,691 in 2020 while the 27<sup>th</sup> Circuit Court and the 78<sup>th</sup> District Court had a combined caseload of 13,559 during that same period. The bill decreases the caseload disparity to a caseload of 12,635 for the reformed 27<sup>th</sup> Circuit Court and the reformed 78<sup>th</sup> District Court and caseload of 9,635 for the reformed 51<sup>st</sup> Circuit Court and the reformed 79<sup>th</sup> District Court.

Currently, many judges are facing backlogs with their court dockets, and this issue has been exacerbated by the COVID-19 pandemic. These delays unduly burden victims, litigants, and defendants. An important part of ensuring justice is to ensure there are enough judges available to handle cases swiftly and efficiently and reorganizing these courts will better allocate population, caseloads, and judicial resources and save travel time and expenses.

Legislative Analyst: Stephen P. Jackson

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<sup>1</sup> Article 6, Section 19 of the Michigan Constitution specifies that "no person shall be elected or appointed to a judicial office after reaching the age of 70 years"; however, a judge who reaches the age of 70 during his or her term is permitted to serve out the remainder of that term.

## **FISCAL IMPACT**

The bill will have no fiscal impact on the State and may have a minimal fiscal impact on Mason, Lake, Oceana, and Newaygo Counties because of circuit and district court restructuring. The bill does not increase or decrease the number of circuit and district judges that currently sit in those counties.

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.