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BILL ANALYSIS

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Senate Fiscal Agency

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Senate Bill 796 (as enrolled) (Public Act 135 of 1988)

Sponsor: Senator Vern Ehlers

Senate Committee: Judiciary

House Committee: Judiciary

Mich. State Law Library

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RATIONALE

Many trial courts reportedly are experiencing difficulty in operating adequately with existing resources, as case filings increase and backlogs develop. While clogged dockets can be eased somewhat by the use of temporarily assigned visiting judges, some people feel that it has become necessary to create new judgeships in order to meet the needs of the judicial system. To aid the Legislature in its deliberations concerning approval of new judgeships, the State Court Administrative Office conducted a statistical analysis of various objective factors that might serve as indicators for the number of judges needed. The Office settled on the number of new cases filed as the most useful single factor in assessing the need for new judgeships. Using that factor, the State Court Administrative Office developed recommendations for eight additional district judgeships for various courts.

In addition, some people feel that several districts in Oakland County should be incorporated into District 52 as divisions of that district, in order to fund those courts better.

CONTENT

The bill would amend the Revised Judicature Act to authorize the creation of additional judgeships in various judicial districts; consolidate four judicial districts into District 52, beginning January 1, 1991; increase, from four to six, the maximum number of magistrates permitted in District 36; and change the deadline for candidates to file for election to the new judgeships from the 10th to the 13th Tuesday prior to the August primary. (The additional judgeships would be effective on January 1, 1989, except for the one in District 54B, which would be effective on January 1, 1990.)

Under the bill, District 36, which consists of the City of Detroit and has 29 judges, would be authorized to add two judges. The following judicial districts would be authorized to add one judgeship:

- District 39, which consists of Roseville and Fraser and has two judges.
- District 41B, which consists of Mt. Clemens and the townships of Clinton and Harrison and has two judges.
- The third division of District 52, which consists of Rochester, Auburn Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has two judges. (The City of Rochester Hills would be added to this division and the township of Avon would be excluded.)
- District 54B, which consists of East Lansing and has one judge.
- District 61, which consists of Grand Rapids and has five judges.

The bill specifies that if the new judgeships were created, the two new judges elected in 1988 in District 36 would serve terms of six and four years, with the person receiving the greater number of votes serving the longer term. If a new judge were added and elected in 1988 in District 39 or 41B, he or she would serve a term of four years. A new judge added and elected in 1988 in District 54B would serve a term of five years.

District 43, which consists of Madison Heights, Ferndale, and Hazel Park; District 45A, which consists of Berkley; District 45B, which consists of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak; and District 48, which consists of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake and the townships of Bloomfield and West Bloomfield would become the fifth, sixth, seventh, and eighth divisions, respectively, of District 52. A consolidation of districts could not take effect unless each district control unit approved the consolidation and the clerk of each control unit filed a copy of the approving resolution with the State Court Administrator. If one or more of the control units designated for consolidation failed to adopt such a resolution more than 180 days before the next general election, then any of the control units could submit the question of consolidation to a vote of the electors in the county in which the consolidation was proposed. Submittal to the electors would require adoption of a resolution by all of the governing bodies within the district.

The bill specifies that by authorizing such consolidation of districts, the Legislature would not be "creating a new obligation for any affected district control unit". If a district control unit approved an authorized consolidation of districts, it would be considered "an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit" beyond what is required by law. Such a consolidation also would be considered "a voluntary acceptance by that district control unit of all expenses and capital improvements which may result from the consolidation". All full-time employees of the district courts would have to be transferred to the consolidated district on the consolidation's effective date. Salary, annual leave, sick leave, seniority rights, and retirement benefits would be preserved and continued "in a manner not inferior to their prior status". Incumbent district judges in both districts would serve as district judges in the consolidated districts.

MCL 600.8121a et al.

FISCAL IMPACT

The bill would increase costs for State and local government. The State makes the following payments for each district judgeship:

OVER

State salary	\$49,500
Standardization payments	34,650
Retirement contribution	1,733
FICA	3,477
One-time recording equipment cost	6,000
Total State cost per Judge	\$95,360

The salary is based on 1988 amounts. Determinations of the State Officers Compensation Commission for 1989 and 1990 will have an impact on judges' salaries. The employer's share of Social Security (FICA) is estimated.

The State would also incur additional costs for any additional judges in the 36th District Court (City of Detroit). Support staff for each additional judge (court reporter, clerk, equipment, etc.) would cost approximately \$127,000.

Costs for additional magistrates in the 36th District Court would also be a State obligation. Each magistrate would cost approximately \$69,000. Support staff and equipment for each magistrate would cost approximately \$99,000.

Local costs for judgeships (excluding 36th District Court) would include support staff, office space, courtrooms, etc.

ARGUMENTS

Supporting Argument

In accordance with the recommendations of the State Court Administrative Office, the bill would authorize the creation of badly needed new judgeships and magistrates, thus helping to ease clogged dockets and improving the administration of justice in Michigan's district courts.

Supporting Argument

District 43, District 45A, District 45B, and District 48, which consist of parts of Oakland County, currently are funded by municipalities. District 52, which also consists of part of Oakland County, on the other hand, is funded by the county. Districts 43, 45A, 45B, and 48 would be better funded and more efficient if they could be incorporated as divisions of District 52.

Supporting Argument

The additional judges and magistrates that the bill would approve for District 36 would allow that court to establish a "substance abuse court" to deal with the district's growing number of drug cases.

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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.