

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Joint Resolution R (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator William Van Regenmorter

Committee: Judiciary

CONTENT

The joint resolution proposes an amendment to the State Constitution of 1963 to do all of the following: abolish the probate court and transfer that court's jurisdiction to the circuit court; require legislation providing for the election of at least one judge with jurisdiction over family matters in each county; prohibit a judge from engaging in the practice of law during his or her judicial term; designate the district court as a court of record; revise provisions pertaining to judicial circuits; revise provisions pertaining to judicial salaries; and revise the composition and appointment of the Judicial Tenure Commission. The joint resolution would have to be submitted to the people of the State at a special election on August 4, 1998.

Under the joint resolution, the office of probate judge in each county with a population of more than 5,000 but less than 15,000, that was not part of a probate court district, would continue to exist until that office was replaced by law with another judicial office of a court of record elected exclusively within that county or until noon on January 1, 2011, whichever occurred first. On or before January 1, 2000, the jurisdiction of the probate court in every other county, except Keweenaw, would have to be transferred by law to the circuit court for that county. Each probate judge for a county with a population of 15,000 or more would become a circuit judge of the judicial circuit encompassing the county in which he or she resided, for the balance of the term of office to which the probate judge was elected or appointed.

The joint resolution specifies that, except as provided for the abolition of the probate court, courts in existence on the date the joint resolution was adopted would retain their powers and jurisdiction, except as provided by law, until they were abolished by law.

The State Constitution provides that the number of judges may be changed and circuit courts may be created, altered, and discontinued by law and that this must be accomplished on recommendation of the Supreme Court, to reflect changes in judicial activity. Under the joint resolution, those actions *could* be accomplished on the Supreme Court's recommendation. In addition, the joint resolution specifies that, every odd-numbered year, the Supreme Court would have to make recommendations to the Legislature as to whether the number of judges should be changed and circuits should be created, altered, or discontinued.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Joint Resolution R (S-1) would have an indeterminate impact on the State and local units of government. Provisions regarding judicial salaries could have an impact on the State regarding payment of fringe benefits for trial court judges, which are currently paid by local units. Savings could result depending on implementation legislation and the total number of judges who remained under the restructured court system.

Date Completed: 5-27-98

Fiscal Analyst: B. Bowerman