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SFA**BILL ANALYSIS**

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House Bill 4092 (Substitute H-1 as passed by the House)
Sponsor: Representative Michael Switalski
House Committee: Civil Law and the Judiciary
Senate Committee: Judiciary

Date Completed: 12-10-02

CONTENT

The bill would amend the Revised Judicature Act to do the following if the City of Eastpointe approved the establishment of the 38th District Court and the judgeship proposed for it: abolish the Eastpointe Municipal Court and end the terms of its judges effective January 1, 2004, require that the 38th judicial district begin to function in Eastpointe, and provide for the election of its district judgeship. The bill also specifies that the Legislature would not be mandating that the district court function in the 38th district or mandating any judgeship in the district.

Effective January 1, 2004, the district court in the 38th judicial district, which consists of the City of Eastpointe, would have to begin to function. As of that date, the municipal court within the 38th district would be abolished. The terms of the incumbent municipal judges in Eastpointe would expire at midnight on December 31, 2003. The judgeship in the 38th district would have to be filled in a special election held in November 2003, in conjunction with the Eastpointe municipal election. For purposes of the November 2003 special election only, the district judge candidate in the 38th district who received the most votes would be elected to a five-year term of office.

All causes of action transferred to the 38th district court under Section 9921(1) of the Act would be as valid and subsisting as they were in the municipal court. All orders and judgments entered in the municipal court before January 1, 2004, could be appealed in the manner and to the same courts as before that date. (Section 9921(1) provides that pending cases of courts that are abolished and succeeded by the district court are transferred to the district court of the district in which the courts have served. The district court has the authority to hear and determine all transferred cases, and must exercise all authority with regard to those cases as though they had been commenced in district court.)

The Eastpointe Municipal Court would not be abolished and the 38th District Court would not begin to function, however, and any district judgeship proposed for the 38th district could not be filled by election, unless the City of Eastpointe, by resolution adopted by its governing body, approved the establishment of the 38th District Court and the district judgeship proposed for it. The city clerk would have to file a copy of the resolution with the Secretary of State between the bill's effective date and 4 p.m. on April 12, 2003. Upon receiving a copy of the resolution, the Secretary of State immediately would have to notify the State Court Administrator.

The bill contains the following language:

By enacting this section, the legislature is not mandating that the district court function in the thirty-eighth district and is not mandating

any judgeship in the district. If the city of Eastpointe, acting through its governing body, approves the establishment of the district court in the thirty-eighth district and any district judgeship proposed by law for that district, that approval constitutes an exercise of that city's option to provide a new activity or service or to increase the level of activity or service offered in the city beyond that required by existing law...and a voluntary acceptance by the city of all expenses and capital improvements which may result from the establishment of the district court in the thirty-eighth district and any judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of any district judge's salary as provided by law, or to appropriate and disburse funds to the city or incorporated village for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

MCL 600.8122 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Based on the current salary of a district judge, the State would incur the following annual costs for a new district judgeship.

Salary	\$138,272
Social Security/Medicare	7,269
Defined Contribution Retirement	<u>9,679</u>
Total	\$155,220

The State also would be responsible for a one-time cost of approximately \$6,000 for recording equipment for each new district court judge.

Local costs would depend on the level of fringe benefits for the judgeship provided by the local unit of government, support staff costs, and office/courtroom facility costs.

Fiscal Analyst: Bill Bowerman