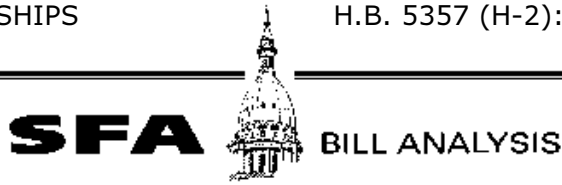


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House Bill 5357 (Substitute H-2 as passed by the House)
Sponsor: Representative Jim Howell
House Committee: Civil Law and the Judiciary
Senate Committee: Judiciary

Date Completed: 12-4-01

CONTENT

The bill would amend the Revised Judicature Act (RJA) to do all of the following:

- Authorize two additional circuit court judgeships in Macomb County.**
- Eliminate one probate court judgeship in Wayne County.**
- Delete the authority of the Wayne County board of commissioners to provide for additional probate court judgeships.**

Macomb County

The 16th Judicial Circuit, which consists of Macomb County, has nine judges. Under the bill, subject to Section 550 of the RJA, the 16th Circuit could have two additional judges effective January 1, 2003. If two new judgeships were added to the 16th Circuit by election in 2002, as authorized by the bill, the candidate receiving the highest number of votes in the November 2002 general election would be elected to an eight-year term and the candidate receiving the second-highest number of votes would be elected to a six-year term.

(Section 550 provides that an additional circuit judgeship permitted by the RJA may not be authorized to be filled by election unless each county in the circuit approves the creation of that judgeship by a resolution adopted by the county board of commissioners. The county clerk must file a copy of the resolution with the State Court Administrator by 4:00 p.m. of the 16th Tuesday preceding the August primary for the election to fill the additional judgeship.)

Wayne County

Wayne County currently has nine probate judges, but is authorized by the RJA to have at least eight but not more than 12. Under the bill, Wayne County would have eight judges of probate beginning on the earlier of the following dates:

- Upon the expiration of the term of an incumbent probate judge who was eligible to seek reelection but who did not file by affidavit to seek reelection to that office, or who withdrew within three days after filing by affidavit to seek reelection.
- Upon the expiration of the term of an incumbent probate judge who was not eligible to seek reelection to that office.

The RJA authorizes the Wayne County board of commissioners, by a majority vote, to provide for additional probate judges, up to 12 judges, when the board considers it necessary. Additional judges authorized by the board of commissioners must be elected at the next

general election occurring not less than 175 days after authorization. The bill would delete the provision allowing the board to authorize additional probate judges.

MCL 600.517 & 600.803

Legislative Analyst: P. Affholter

FISCAL IMPACT

Based on the 2002 salary of a circuit or probate judge, the State would incur the following annual costs for each new circuit judgeship, and would realize the same amount of savings for each probate judgeship eliminated:

Salary	\$139,919
Social Security/Medicare	7,293
Defined Contribution Retirement	<u>9,794</u>
Total	\$157,006

Local costs or savings would depend on the cost of fringe benefits for judges provided by the county, support staff costs, and whether additional office courtroom facilities would be necessary.

According to the Judicial Resources Recommendation of August 2001, the current 16th Circuit court facility can absorb space requirements for the new judgeships. The report also states that each circuit judge is provided with a secretary, court reporter, court clerk, and an assigned court officer from the sheriff's department.

Fiscal Analyst: B. Bowerman

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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.