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SFA



BILL ANALYSIS

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Senate Bill 74 (as introduced 1-28-03)
Sponsor: Senator Tony Stamas
Committee: Judiciary

Date Completed: 2-24-03

CONTENT

The bill would amend the Revised Judicature Act (RJA) to modify changes in the jurisdictional boundaries of the 23rd, 26th, and 53rd Judicial Circuits that are scheduled to occur on April 1, 2003.

Table 1 below shows the counties that make up the 23rd, 26th, and 53rd Circuits under current law; the counties that those circuits will include as of April 1, 2003, under provisions enacted by Public Act 92 of 2002 (House Bill 5674); the current and scheduled number of judgeships in those circuits; and the changes Senate Bill 74 proposes.

Table 1

<u>Circuit</u>	<u>Counties</u>			<u>Judgeships</u>		
	Current	Scheduled	Proposed	Current	Scheduled	Proposed
23rd	Iosco Oscoda	Alcona Arenac Iosco Oscoda	Arenac Iosco Oscoda	1	2 ^{a)}	2
26th	Alpena Alcona Montmorency Presque Isle	Alpena Montmorency	Alpena Alcona Montmorency Presque Isle	2	1 ^{b)}	2 ^{c)}
53rd	Cheboygan	Cheboygan Presque Isle	Cheboygan	1	1	1
<p>^{a)} The additional judgeship will be filled by the incumbent circuit judge of the 34th Circuit residing in Arenac County.</p> <p>^{b)} Under Public Act 92, the 26th Circuit will have only one judge beginning on the date a circuit judgeship vacancy occurs or at noon on January 1, 2005, whichever is earlier.</p> <p>^{c)} The bill would eliminate the reduction in judgeships scheduled under Public Act 92.</p>						

MCL 600.524 et al.

BACKGROUND

In addition to realigning the boundaries of the 23rd, 26th, and 53rd Judicial Circuits, Public Act 92 of 2002 modified the 11th, 34th, and 50th Circuits as of April 1, 2003. That Act also realigned the 78th, 81st, 82nd, 83rd, and 87th Judicial Districts, effective April 1, 2003. All of the judicial circuits and districts addressed by the 2002 legislation are located in northern Michigan.

The RJA provides that a new judicial circuit proposed by law may not be created and circuit judgeship proposed may not be authorized or filled by election without the approval of each county in the proposed circuit, by resolution of the county board of commissioners. The RJA also provides that a new judicial district proposed by law may not be created and district judgeships may not be authorized or filled by election unless each district control unit in the proposed district approves the changes by resolution of the district control units' governing bodies. Public Act 92 specifies, however, that the reformation of the 11th, 23rd, 26th, 34th, 50th, and 53rd Judicial Circuits does not require the approval of the county board of commissioners, and that the reformation of the 78th, 79th, 81st, 82nd, 83rd, and 87th Judicial Districts does not require the approval of the district control units.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The changes enacted by Public Act 92 currently set to take place on April 1, 2003, will result in the net loss of one circuit court judgeship and the net savings of \$157,135 (salary, FICA, retirement) to the State, based on the current salary of a circuit court judge. Senate Bill 74 would revise those changes such that the overall number of circuit court judgeships would remain as they currently are, and the savings to the State would be eliminated.

Also, the FY 2002-03 appropriation for the Judiciary includes \$150,000 to defer a portion of the realignment costs to those counties involved. According to the State Court Administrator's Office, most of that money already has been committed in preparation for the transition and would not be recouped as a result of Senate Bill 74.

Fiscal Analyst: Bethany Wicksall