

## BAY COUNTY JUDGESHIPS

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**Senate Bill 321 as passed by the Senate**  
**Sponsor: Sen. Mike Green**  
**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 2-1-16**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

The bill would eliminate a requirement that a judgeship in the 18<sup>th</sup> Judicial Circuit (Bay County) be eliminated and instead require a judgeship in the 74<sup>th</sup> District (also Bay County) to be eliminated.

Currently, Bay County has three circuit court judges and three district court judges. Under provisions of Public Act 38 of 2012, one judgeship in the 18<sup>th</sup> Judicial Circuit is scheduled to be eliminated by attrition on the date when a vacancy occurs or on the beginning date of the term for which an incumbent circuit judge in the 18<sup>th</sup> Judicial Circuit no longer seeks election or reelection to that office, whichever date occurs earliest.

Senate Bill 321 would amend the Revised Judicature Act to instead retain the circuit court judgeship but eliminate one district court judgeship in the 74<sup>th</sup> District under similar terms. Thus, the judgeship would be eliminated beginning on the earlier of the following dates:

- ❖ The date on which a vacancy occurs, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.
- ❖ The beginning date of the term for which an incumbent district judge in the 74<sup>th</sup> District no longer seeks election or reelection to that office as an incumbent.

The bill would take effect 90 days after enactment.

MCL 600.519 and 600.8139

### FISCAL IMPACT:

Senate Bill 321 would result in the retention of one circuit court judgeship and the elimination of one district court judgeship in Bay County. Under current law, Public Act 38 of 2012, one circuit court judgeship is to be reduced by attrition, with the position being eliminated when a vacancy occurs or at the beginning of the term for which an incumbent judge no longer runs for reelection. The current circuit court judge will be retiring February 19, 2016. Under 2012 PA 38, his position would be eliminated following his retirement.

The state pays for the salaries, payroll taxes, and retirement benefits for circuit and district court judges. Fringe benefits, personnel costs, costs for computer hardware, software, and other equipment, supplies, and space (e.g., courtrooms, jury rooms, and judges' chambers)

are paid for by the local court system. Each circuit court judgeship costs the state \$159,089. This amount includes the circuit court judge's salary of \$139,919, payroll taxes of \$9,376, and retirement costs of \$9,794. Each district court judgeship costs the state \$157,303. This amount includes the district court judge's salary of \$138,272, payroll taxes of \$9,352, and retirement costs of \$9,679. Local costs for fringe benefits and overhead vary from circuit to circuit and district to district.

Senate Bill 321 would result, eventually, in a savings to the state and local government as a result of eliminating one district court judgeship. The savings would not be achieved until a district court judge chose not to run or could not run for reelection. Based on the age of judges and terms of office, the county estimates that they would not begin to realize any savings for at least 10 more years. Also, according to Bay County officials, Senate Bill 321 would result in costs to the county. The bill would cost roughly \$130,000 annually for staffing and overhead costs over the next 10 years. Operating under the provisions of current law, the county has already reduced its budget, in anticipation of eliminating one circuit court judgeship. Under Senate Bill 321, the county would have to retain the circuit court judgeship they planned to eliminate.

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