



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 321 (as reported without amendment)
Sponsor: Senator Mike Green
Committee: Judiciary

Date Completed: 6-1-15

RATIONALE

In response to judicial resource recommendations made by the State Court Administrative Office (SCAO) in 2011, Public Act 38 of 2012 amended the Revised Judicature Act to provide for the reduction of one circuit court judgeship by attrition in Bay County. The position is to be eliminated when a vacancy occurs or at the beginning of the term for which an incumbent judge no longer seeks the office. The balance of cases between the county's circuit and district courts reportedly has shifted since the 2011 recommendation, and Bay County officials evidently would rather have the county's district court reduced by one judgeship instead of eliminating a position from the circuit court's bench.

CONTENT

The bill would amend the Revised Judicature Act to do the following with respect to judgeships in Bay County:

- **Delete a requirement that a circuit court judgeship be eliminated when there is a vacancy in that office or an incumbent judge no longer seeks election or re-election.**
- **Require a reduction of one district court judgeship upon a vacancy in that office, unless the vacancy occurred because the incumbent judge lost an election, or when an incumbent judge no longer sought election or re-election.**

The bill would take effect 90 days after its enactment.

Circuit Court Judgeships

The 18th Judicial Circuit consists of Bay County and has three judges. Beginning on the earlier of the following dates, however, the 18th circuit will have two judges:

- The date on which a vacancy occurs in the office of circuit judge in the 18th circuit.
- The beginning date of the term for which an incumbent circuit judge in the 18th circuit no longer seeks election or re-election to that office.

The bill would delete the provision eliminating a judgeship in the 18th circuit.

District Court Judgeships

The 74th Judicial District consists of Bay County and has three judges. Under the bill, beginning on the earlier of the following dates, the 74th district would have two judges:

- The date on which a vacancy occurred in the office of district judge in the 74th district, unless the vacancy occurred after the vacating judge had been defeated in a primary or general election.

-- The beginning date of the term for which an incumbent district judge in the 74th district no longer sought election or re-election to that office as an incumbent.

MCL 600.519 & 600.8139

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 2012 legislation, which will reduce the 18th Circuit Court by one judgeship, was based on SCAO recommendations for the more efficient operation of courts, and the appropriate distribution of judicial resources, in Bay County. Reportedly, due to changes in court caseloads in Bay County, local officials and the county's judges would like the judicial reduction to occur in the district court instead of the circuit court. By eliminating one judgeship in the 74th district by attrition, and retaining one judgeship in the 18th circuit, the bill would address local desires while still scaling back judicial resources in Bay County.

Supporting Argument

The bill is similar to Public Act 33 of 2013, which provided for the elimination of a circuit judgeship, rather than a district judgeship, in Clinton County. That legislation also was based on the wishes of local officials and judges in the affected county. Although the SCAO recommended the change that was enacted for Bay County, the Office is neutral on the bill, since it is similar to Public Act 33 and would have a net zero impact on the number of judgeships in Bay County, according to testimony by a representative of the SCAO before the Senate Judiciary Committee,

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in the elimination of one district court judgeship, and the retention of one circuit court judgeship, in Bay County, so the State government savings from reducing the circuit court judgeships would be lessened. Each circuit court judgeship has a cost to the State of \$158,792 (of which \$139,920 is salary, \$9,078 is payroll taxes, and \$9,794 is retirement costs). Each district court judgeship has a cost to the State of \$157,003 (of which \$138,270 is salary, \$9,054 is payroll taxes, and \$9,679 is retirement costs). The local court system covers the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local circuit and district courts differ by location.

Fiscal Analyst: John Maxwell

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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.