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BILL



ANALYSIS

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Senate Bill 709 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Eliminate four probate court judgeships, one each in Ingham, Monroe, Saginaw, and St. Clair Counties.
- Eliminate five district court judgeships, one each in the fifth district (Berrien County), 36th district (Detroit), 52nd district (a portion of Oakland County), 94th district (Delta County), and 97th district (Baraga, Houghton, and Keweenaw Counties).
- Provide for the elimination of the judgeship in the 94th district through the transfer of a district judge to the probate court in Delta County, where one probate judgeship then would be eliminated.
- Eliminate the judgeship in the 97th district if the voters of Houghton and Keweenaw Counties did not approve the creation of a probate court district.
- Require the question of creating the First Probate Court District to be submitted to the electors of Houghton and Keweenaw Counties and, if voters did not approve the probate district, authorize the probate judges in those counties and Baraga County to act as district judges upon the elimination of a district judgeship.
- Authorize the addition of two circuit court judgeships, one each in Oakland and Macomb Counties, beginning January 1, 2021, subject to county approval.
- Delete the scheduled elimination of one district court judgeship in the 44th district (Royal Oak and Berkley).
- Authorize a plan of concurrent jurisdiction that included more than one judicial circuit.
- Authorize district, probate, and circuit judges to exercise the power and jurisdiction of a judge in other district, probate, and circuit courts within the circuits covered by a plan of concurrent jurisdiction.

The elimination of judgeships under the bill would occur on the earlier of the following dates:

- The date on which a vacancy occurred in the office of judge in the affected court, unless the vacancy occurred after the vacating judge was defeated in a primary or general election.
- The beginning date of the term for which an incumbent judge no longer sought election or re-election to that office.

MCL 600.401 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a positive fiscal impact on the State and local units of government.

According to the July 2015 Judicial Resources Recommendations report, each circuit and probate court judgeship has a cost to the State of \$159,089, and each district court judgeship has a cost to the State of \$157,303. These costs include salary, retirement contributions up to 7%, and the employer share of FICA taxes (OASI and Medicare). The local court system pays for the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local circuit, district, and probate courts differ by location.

If both circuit court judgeships were approved and all of the probate and district court judgeships were eliminated, as proposed, the net savings to the State would be approximately \$1.10 million per year. This analysis assumes no additional cost for the retained district court judgeship.

Because the local costs for courts differ by location, it is difficult to measure the potential savings to local units of government, but to the extent that local courts were able to reduce staff or equipment costs, they would realize savings.

Date Completed: 1-20-16

Fiscal Analyst: Ryan Bergan

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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.