

Legislative Analysis



REINSTATEMENT OF 25TH CIRCUIT COURT JUDGESHIP

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4656 (proposed substitute H-1)

Sponsor: Rep. Sara Cambensy

Committee: Judiciary

Complete to 6-7-21

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

SUMMARY:

House Bill 4656 would amend the Revised Judicature Act (RJA) to authorize the 25th Judicial Circuit to have two judges. This circuit consists of Marquette County and currently has one judgeship. Prior to 2017, the circuit had two judgeships. A judgeship was eliminated under 2012 PA 22 based on the 2011 Judicial Resources Recommendations. The authorization for the additional judgeship would be subject to section 550. (See **Background**, below.)

The bill would take effect 90 days after its enactment.

MCL 600.526

BACKGROUND:

Judicial Resources Recommendations

To monitor judicial costs and caseloads, the State Court Administrative Office (SCAO) reviews the state's judicial needs every two years and compiles the findings in its Judicial Resources Recommendations (JRR). The report provides recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. The 2011 JRR report recommended that a total of 45 judgeships be eliminated by attrition. The report determined the 25th Judicial Circuit to have an excess of 1.3 probate/circuit judges and recommended that one judgeship be eliminated. 2012 PA 22 eliminated one of the judgeships.

In general, reductions or consolidations take effect on the date a vacancy occurs or on the beginning date of the term for which an incumbent no longer seeks election or reelection to that office, whichever occurs first.

Adding a new judgeship

Section 550 of the RJA allows the legislature to authorize an additional circuit judgeship to be filled by election if the county board of commissioners in each county in the circuit adopts a resolution approving the creation of the judgeship and if certain filing requirements are met. The section provides that adoption of the resolution constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law and a voluntary acceptance by the county of all expenses and capital improvements that may result from the creation of the judgeship. The state retains an obligation to pay the same portion of the additional judge's salary that is paid by the state to other judges of the same circuit.

In addition, section 550(2) provides that a resolution filed before the effective date of legislation authorizing an additional judgeship constitutes a valid approval of the judgeship

only if the filing occurs within the two-year legislative session (such as the current 2021-22 legislative session) during which the legislation is enacted.

The Marquette County Board of Commissioners adopted a resolution in support of reinstating a second judgeship in February 2021.

FISCAL IMPACT:

House Bill 4656 would result in costs for the state and for the local unit of government. Costs for restoring one circuit court judgeship and associated personnel would be incurred by the state and the county, respectively. Costs for adding an optional second judgeship and associated personnel would result in additional costs for the state and the county, respectively. One judgeship in Marquette was eliminated in FY 2017 when the judge retired. Since that time, the Judiciary budget has not included funding for the salary of the judgeship. The state pays the salary, the employer portion of FICA taxes, and retirement benefits for circuit court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by the local court system. Currently, the cost to the state to restore one judgeship would be \$182,525 annually. The cost to the state for two circuit court judgeships would be \$365,050 annually. State costs are funded with roughly 97% state GF/GP revenue. The cost to the local unit for one or two judgeships is unknown, as local costs for judgeships vary by area.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.