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House Bill 4656 (Substitute H-1 as passed by the House)
Sponsor: Representative Sara Cambensy
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Date Completed: 6-23-21

CONTENT

The bill would amend the Revised Judicature Act to allow the 25th Judicial Circuit, which consists of Marquette County, to have one additional judge beginning January 1, 2023.

Under the Act, except as otherwise provided, the 25th Judicial Circuit consists of Marquette County and has two judges. Beginning on the earlier of the following dates, the 25th Judicial Circuit has one judge:

- The date on which a vacancy occurs in the office of circuit judge in the 25th Judicial Circuit.
- The beginning date of the term for which an incumbent circuit judge in the 25th Judicial Circuit no longer seeks election or reelection to that office.

The bill would delete these provisions.

Instead, under the bill, the 25th Judicial Circuit would consist of Marquette County and would have one judge. Subject to Section 550, the 25th Judicial Circuit could have one additional judge beginning January 1, 2023. (Generally, Section 550 allows an additional circuit judgeship to be authorized if the county board of commissioners in the each county in the circuit adopts a resolution approving the creation of that judgeship and the county clerk of each county adopting such a resolution files a copy of it with the State Court Administrator.)

MCL 600.526

BACKGROUND

Article VI, Section 3 of the Michigan Constitution specifies that the Michigan Supreme Court "shall appoint an administrator of the courts and other assistants of the supreme court as necessary to aid in the administration of the courts of this state". The Court exercises its oversight of Michigan courts through the State Court Administrative Office (SCAO). Among other things, the SCAO is tasked with reviewing the State's judicial needs and, based on its findings, compiling the Judicial Resources Recommendations (JRR), a biennial report that assesses the workloads of the various courts across the State and makes recommendations to the Legislature.

The 2011 JRR recommended that the number of judgeships in Marquette County be reduced by attrition from five to three. Public Act 22 of 2012 eliminated one circuit judgeship through

attrition. On December 31, 2016, Judge Thomas Solka retired, and the number of circuit judgeships was reduced from two to one.

In February 2021, the Marquette County Board of Commissioners passed a resolution in support of reinstating a second circuit judgeship. The 2019 JRR did not include a recommendation to restore the circuit judgeship.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a negative fiscal impact on the State and Marquette County. The bill would allow for a second circuit court judgeship within the 25th Judicial Circuit subject to Section 550 (discussed above). The cost to the State for an additional circuit court judgeship would be roughly \$182,500. Costs for judgeships are shared between State and local governments. Local governments typically pay for fringe benefits, personnel costs, supply costs, and office space. As such, the additional costs for Marquette County are not known.

Fiscal Analyst: Michael Siracuse

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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.