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**SFA**



**BILL ANALYSIS**

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House Bill 5674 (Substitute S-1 as passed by the Senate)  
Sponsor: Representative Ken Bradstreet  
House Committee: Civil Law and the Judiciary  
Senate Committee: Judiciary

Date Completed: 3-14-02

## **CONTENT**

**The bill would amend the Revised Judicature Act (RJA) to do all of the following:**

- **Realign various circuit and district court boundaries.**
- **Authorize three counties' probate judges to act as district judges within their counties, prohibit them from practicing law other than as a judge, and provide for them to be paid as full-time judges.**
- **Provide that the reformation of judicial circuits and districts proposed by the bill would not be subject to local approval.**
- **Repeal a section of the RJA that allows a county board of commissioners to create election districts under certain circumstances.**

### Circuit Court

The bill would realign the 11th, 23rd, 26th, 34th, 50th, and 53rd Circuits as shown in Table 1. All of the changes in the composition of the circuits would begin on April 1, 2003.

Table 1  
Circuit Court Realignment

Circuit	Counties		Judges	
	Current	Proposed	Current	Proposed
11th	Alger, Luce, Schoolcraft	Alger, Luce, Schoolcraft, Mackinac <sup>A)</sup>	1	1
23rd	Iosco, Oscoda	Iosco, Oscoda, Alcona <sup>B)</sup> , Arenac <sup>C)</sup>	1	2
26th	Alpena, Alcona, Montmorency, Presque Isle	Alpena, Montmorency	2	1
34th	Arenac, Ogemaw, Roscommon	Ogemaw, Roscommon	2	1
50th	Chippewa, Mackinac	Chippewa	1	1
53rd	Cheboygan	Cheboygan, Presque Isle <sup>B)</sup>	1	1
<sup>A)</sup> Currently in 50th circuit <sup>B)</sup> Currently in 26th circuit <sup>C)</sup> Currently in 34th circuit				

In addition to adding Alcona and Arenac Counties to the 23rd Circuit, the bill would add one judgeship to that circuit. The additional judgeship would have to be filled by the incumbent circuit judge of the 34th Circuit residing in Arenac County with a term ending January 1, 2009, who would serve as judge of the 23rd Circuit for the balance of the term to which he or she was elected or appointed. For purposes of the November 2008 general election, the term of the candidate for circuit judge in the 23rd Circuit who received the most votes would be eight years.

In addition to removing Alcona and Presque Isle Counties from the 26th Circuit, the bill specifies that the 26th Circuit would have only one judge beginning on the date on which a vacancy occurred in the office of circuit judge for that circuit or noon on January 1, 2005, whichever was earlier.

The bill also would remove one judgeship, as well as Arenac County, from the 34th Circuit, beginning on April 1, 2003.

The RJA provides that a new judicial circuit proposed by law may not be created and circuit judgeships proposed may not be authorized or filled by election unless each county in the proposed circuit approves by resolution of the county board of commissioners. The bill specifies that the reformation of the 11th, 23rd, 26th, 34th, 50th, and 53rd Judicial Circuits, as proposed by the bill, would not require the approval of the county boards of commissioners.

#### Probate Court

The bill would grant to the probate judges in Arenac, Kalkaska, and Crawford Counties the power, authority, and title of a district judge within their respective counties, in addition to the power, authority, and title of a probate judge.

The RJA prohibits most probate judges from engaging in the practice of law other than as a judge. The bill would include in that provision the probate judges in Arenac, Kalkaska, and Crawford Counties.

The RJA provides for the salary level of full-time and part-time probate judges. The bill would exclude the probate judges in Arenac, Kalkaska, and Crawford Counties from the provision that establishes the salary of part-time probate judges.

#### District Court

The bill would realign the 78th, 81st, 82nd, 83rd, and 87th Judicial districts as shown in Table 2. All of the changes in the districts' composition would be effective on April 1, 2003.

Table 2  
District Court Realignment

Circuit	Counties	
	Current	Proposed
78th	Newago, Lake	Newago, Oceana
79th	Oceana, Mason	Mason, Lake
81st	Iosco, Arenac	Iosco, Arenac <sup>1)</sup> , Alcona, Oscoda
82nd	Alcona, Oscoda, Ogema	Ogema
83rd	Roscommon, Crawford	Roscommon
87th	Kalkaska, Otsego	Kalkaska <sup>1)</sup> , Otsego, Crawford <sup>1)</sup>

<sup>1)</sup>The probate judge also would have the authority and title of a district judge.

The RJA provides that a new judicial district proposed by law may not be created and district judgeships proposed may not be authorized or filled by election unless each district control unit in the proposed district approves the changes by resolution of the district control units' governing bodies. The bill specifies that the reformation of the 78th, 79th, 81st, 82nd, 83rd, and 87th Judicial Districts, as proposed by the bill, would not require the approval of the district control units.

### Repealer

The bill would repeal Section 9948 of the RJA (MCL 600.9948). Under that section, if the State Constitution of 1963 permits the creation of election districts in a county for countywide judicial office, or if, by a final nonreviewable judgment, a court determines that the Federal Voting Rights Act requires election districts rather than at-large election for countywide judicial office, the county board of commissioners has the authority to create election districts to conform with those requirements.

MCL 600.512 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Based on the current salary of a probate judge, the State would incur additional salary costs, due to the conversion of part-time probate judges to full time, of approximately \$114,169 for each judgeship. Costs to Crawford, Kalkaska, and Arenac Counties would include any local benefits provided to judges and support staff costs.

The elimination of one circuit court judgeship each in the 26th and 34th Judicial Circuits, and the addition of one judgeship in the 23rd Circuit, would result in net savings of \$157,006 (salary, FICA, retirement) to the State, based on the current salary of a circuit court judge.

The local impact regarding reformation of judicial circuits and districts is not determinable. No estimate regarding local costs/savings has been provided by the State Court Administrative Office.

Fiscal Analyst: Bill Bowerman