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BILL ANALYSIS

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Senate Bill 907 (as introduced 11-30-05)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 1-13-06

CONTENT

The bill would amend the Revised Judicature Act (RJA) to allow the addition of seven new circuit court judgeships; eliminate two district court judgeships; and eliminate two probate court judgeships.

Table 1 shows the locations in which judgeships would be added or eliminated. Except where otherwise noted, the changes in circuit and probate court judgeships would be effective January 1, 2007. The elimination of district court judgeships would occur when there was a vacancy or an incumbent judge did not seek re-election.

Table 1

County or City	Circuit	District	Probate
Clare & Gladwin	+1		
Flint		-1	
Genesee	+1		
Kent	+1		
Macomb	+1		
Mecosta & Osceola	+1		
Oakland	+2 ^{a)}		-1 ^{b)}
Saginaw		-1 ^{c)}	
Wayne			-1
^{a)} One in 2007 and one in 2009. ^{b)} Effective January 1, 2009. ^{c)} The first election division, which consists of the Cities of Saginaw and Zilwaukee and the Townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport.			

The addition of circuit court judgeships would be subject to RJA requirements for county approval before an additional judgeship is filled by election. (Under Section 550, an additional circuit judgeship permitted by the RJA may not be authorized to be filled by election unless the county board of commissioners of each county in the circuit adopts a resolution approving the creation of that judgeship. The county clerk must file a copy of the resolution with the State Court Administrator by 4:00 p.m. of the 16th Tuesday preceding the August primary for the election to fill the additional judgeship.)

Wayne County

Wayne County currently has eight judges of probate. Under the bill, Wayne County would continue to have eight probate judges until noon, January 1, 2007. Beginning at that time, Wayne County would have seven probate judges.

Oakland County

Circuit Court. The Sixth Judicial Circuit consists of Oakland County and currently has 19 judges. Under the bill, the Sixth Circuit could have one additional judge effective January 1, 2007, and another additional judge effective January 1, 2009.

Probate Court. Oakland County currently has four probate judges. Under the bill, Oakland County would continue to have four probate judges until noon, January 1, 2009. Beginning at that time, Oakland County would have three probate judges.

Genesee County

The Seventh Judicial Circuit consists of Genesee County and currently has nine judges. Under the bill, the Seventh Circuit could have one additional judge effective January 1, 2007.

Macomb County

The 16th Judicial Circuit consists of Macomb County and currently has 12 judges. Under the bill, the 16th Circuit could have one additional judge effective January 1, 2007.

Kent County

The 17th Judicial Circuit consists of Kent County and currently has nine judges. Under the bill, the 17th Circuit could have one additional judge effective January 1, 2007.

Mecosta & Osceola Counties

The 49th Judicial Circuit consists of Mecosta and Osceola Counties and has one judge. Under the bill, the 49th Circuit could have one additional judge effective January 1, 2007.

Clare & Gladwin Counties

The 55th Judicial Circuit consists of Clare and Gladwin Counties and has one judge. Under the bill, the 55th Circuit could have one additional judge effective January 1, 2007.

Saginaw County

The 70th Judicial District consists of Saginaw County and is divided into two election divisions. The first election division consists of the Cities of Saginaw and Zilwaukee and the Townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport and has three judges. Under the bill, the first division would have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurred in the office of district judge in the election division.
- The beginning date of the term for which an incumbent district judge in the election division no longer sought re-election to that office.

The second election division of the 70th district, which consists of the rest of Saginaw County, would continue to have three judges.

City of Flint

The 68th Judicial District consists of the City of Flint and currently has five judges. Under the bill, the district would have four judges beginning on the earlier of the following dates:

- The date on which a vacancy occurred in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge in the district no longer sought re-election to that office.

MCL 600.507 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Based on current judicial salaries, the bill would cost the State the following annual amounts for each new judgeship, or save the same amounts for each elimination:

Costs to the State	Circuit/Probate	District
Salary	\$139,919	\$138,272
Social Security	5,840	5,840
Medicare	2,029	2,005
Defined Contribution Retirement	9,794	9,679
Total	\$157,582	\$155,796

If all of the additional proposed judgeships were approved, the bill would add six circuit judgeships in 2007 and one in 2009, which would cost the State \$1,103,074 per year when fully implemented.

The bill also would eliminate two district judgeships and two probate judgeships, for net savings to the State of \$626,756 per year when fully implemented. These changes would occur either when a vacancy occurs or when an incumbent does not seek re-election; therefore, the savings would be staggered over several years. There also could be small differences in savings as some judges due to retire are participants in the defined benefit plan and not the defined contribution plan.

Local expenses would include the cost of benefits for judges, support staff wages and benefits, and facility space.

Fiscal Analyst: Stephanie Yu

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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.