

ALLOW TEMPORARY REDUCTION IN NUMBER OF JUDGES IN A JUDICIAL CIRCUIT

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House Bill 5458

Sponsor: Rep. Jon Switalski

Committee: Judiciary

Complete to 11-03-09

A SUMMARY OF HOUSE BILL 5458 AS INTRODUCED 9-23-09

The bill would allow eight judicial circuits to temporarily reduce their number of judgeships for a four-year period, specify the judgeship or judgeships to be temporarily eliminated, allow the judgeship to be restored without a resolution under certain circumstances, and specify the conditions under which a judgeship could be temporarily eliminated.

House Bill 5458 would amend the Revised Judicature Act (MCL 600.507 et al.) to allow a temporary reduction in the number of circuit judgeships in a judicial circuit if all of the following conditions were met:

- The State Court Administrator approved the temporary reduction after considering judicial need and consulting with the affected court.
- Each county in the circuit, by resolution adopted by the county board of commissioners, approved the measure.
- The clerk of each county adopting such a resolution filed a copy with the State Court Administrator not later than 4 p.m. of the sixteenth Tuesday preceding the date on which the August primary would have been held for the judgeship being eliminated.

In addition, the State Court Administrator would have to immediately notify the elections division of the Department of State with respect to any temporary reduction in the number of judgeships in a judicial circuit.

A judgeship temporarily reduced under the bill could be restored – without being considered an additional circuit judgeship and without needing a resolution of approval under the RJA – as long as it had not been reduced for more than six years.

The judgeships eligible for temporary reduction beginning noon, January 1, 2011, and ending noon, January 1, 2015, would be those occupied by judges who, due to constitutional limitation (e.g., age), are not eligible to run for reelection. The counties that could temporarily reduce their number of judgeships, and the number that could be reduced, are as follows:

- The Sixth Judicial Circuit, which consists of the County of Oakland, could temporarily reduce its number of judgeships from 19 to 18.
- The Tenth Judicial Circuit, which consists of the County of Saginaw, from 5 to 4.
- The Sixteenth Judicial Circuit, which consist of the County of Macomb, from 13 to 11.
- The Eighteenth Judicial Circuit, consisting of the County of Bay, from 3 to 2.
- The Twentieth Judicial Circuit, consisting of the County of Ottawa, from 4 to 3.
- The Thirtieth Judicial Circuit, consisting of the County of Ingham, from 7 to 6.
- The Thirty-First Judicial Circuit, consisting of the County of St. Clair, from 3 to 2.
- The Forty-Eighth Judicial Circuit, consisting of the County of Allegan, from 2 to 1.

(Note: The bill is similar to provisions contained in House Bills 5512 and 5513, which are pending House floor action, but those bills only pertain to the Sixth Judicial Circuit/Oakland County.)

FISCAL IMPACT:

House Bill 5458 would have a positive fiscal impact on state and local government. The bill would temporarily eliminate various circuit court judgeships. In two circuits, the temporary elimination would last for two years, while in the remaining six circuits the temporary elimination would last for four years. The state is responsible for the salary, retirement, FICA, and, in some instances, travel reimbursement. The current salary of a circuit court judge is \$139,919. The retirement contribution, FICA, and travel reimbursement are \$18,644. Therefore, total annual savings to the state would be \$158,563 per eliminated judgeship.

The local unit of government would also realize savings through a reduction in any fringe benefits offered to the judge; a reduction in court personnel (i.e. clerks, legal assistants, etc.); and a reduction in technology equipment associated with the judge and court personnel. The local cost savings will depend on the characteristics of each circuit court.

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