

# Legislative Analysis



## ELIMINATION/CONSOLIDATION OF JUDGESHIPS

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### House Bills 5071 & 5101

Sponsor: Rep. John Walsh

### House Bill 5072

Sponsor: Rep. Kurt Heise

### House Bill 5095

Sponsor: Rep. Roy Schmidt

### House Bill 5094

Sponsor: Rep. Stacey Erwin Oakes

### House Bill 5106

Sponsor: Rep. Philip M. Cavanagh

Committee: Judiciary

Complete to 11-6-11

## A SUMMARY OF HOUSE BILLS 5071-5072 AS INTRODUCED ON 10-13-11, 5094-5095 AS INTRODUCED ON 10-18-11, AND 5101 AND 5106 AS INTRODUCED 11-19-11

The bill package would amend various sections of the Revised Judicature Act to eliminate judgeships from district and circuit courts, merge or consolidate judicial circuits, and shift the duties of district judge to a county's probate judge.

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

In addition, by statute, each county that is not part of a probate court district must have at least one probate judge, and each probate court district must have one judge of probate. Some of the bills would eliminate one or more district court judgeships and shift those duties to the probate judge of the county or probate court district.

**House Bill 5071** would amend MCL 600.8149 and 600.8151. The bill would impact the following courts:

- 84th District Court (Counties of Wexford and Missaukee) is served by one district court judge. Under the bill, when a vacancy occurs in the district court judgeship, that judgeship would be eliminated. The probate judges of Wexford and Missaukee Counties would then also serve as the district court judges in their respective counties.
- 86th District (Counties of Grand Traverse, Antrim, and Leelanau) – reduce from three to two the number of judgeships.

**House Bill 5072** would amend MCL 600.8158, 600.8162, and 600.8163. The bill would impact the following courts:

- 93rd District (Counties of Schoolcraft and Alger) – eliminate the district court judgeship and require that the probate judge for the 5th Probate District serve as judge of the 93rd District.
- 97th District (Counties of Houghton, Keweenaw, and Baraga) – eliminate the district judgeship and require the probate judge of each county to serve as the district court judge in their respective counties.
- 98th District (Counties of Ontonagon and Gogebic) – eliminate the district judgeship and require the probate judge of each county to serve as the district court judge in their respective counties.

**House Bill 5094** would amend MCL 600.8152, 600.8153, and 600.8154a as follows:

- 87-A District (County of Otsego) – eliminate the district court judgeship with the probate judge for the county serving as the 87a District Court judge.
- 88th District (County of Alpena and Montmorency) – eliminate the district judgeship and require the probate judge of each county to serve as the district court judge in their respective counties.
- 89th District (Counties of Cheboygan and Presque Isle) – eliminate the district judgeship and require the probate judge of each county to serve as the district court judge in that county.

**House Bill 5095** would amend MCL 600.542 and 600.8160 and would impact the following courts:

- 41st Judicial Circuit (Counties of Dickinson, Iron, and Menominee) – eliminate one of two judgeships.
- 95-A District Court (County of Menominee) – eliminate the district court judgeship and require the probate judge of the county to serve as district court judge.

**House Bill 5101** would amend MCL 600.524, 600.8146, and 600.8148 and would impact the following courts in Alcona, Arenac, Iosco, and Oscoda Counties:

- 23rd Judicial Circuit – eliminate one of two judgeships.
- 81st District Court – eliminate the district court judgeship serving the four counties and require the probate judge of each one serve as district court judge in that county.

- 83rd District Court (Roscommon County) – eliminate the district court judgeship and require the probate judge of the county to serve as district court judge.

**House Bill 5106** would amend MCL 600.526 and 600.8161 and would impact the following courts Marquette County:

- 25th Judicial Circuit – eliminate one of two judgeships.
- 96th District Court – eliminate one of two judgeships.

### **FISCAL IMPACT:**

Together, these bills would eliminate twelve district judgeships and three circuit court judgeships. The cost to the state for a circuit judgeship includes the judge's salary, employer required retirement contributions, and the employer portion of FICA taxes, totaling approximately \$158,000 for a circuit judge and \$156,500 for a district judge.

Removing all of these judgeships would result in a total savings to the state of \$2,352,000 per year once all judgeships are eliminated.

Because these judgeships are removed by attrition, these savings would only come into effect as judges retire or choose not to run for reelection. The outside dates for the removal of each of these judgeships range from 2015 to 2039. However, judges could retire or choose not to run for reelection before this date, in which case savings would be realized before the outside date. The full savings related to eliminating these judgeships will not be reflected in the state budget for several years.

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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.