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BILL  ANALYSIS

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House Bill 5105 (Substitute H-2 as discharged)
Sponsor: Representative Kevin Cotter
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

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

- Reduce from 61 to 59 the number of judgeships in the Third Circuit Court (Wayne County).
- Provide for the consolidation of probate and district court judgeships in Sanilac, Gratiot, Manistee, and Benzie Counties, with the district judges in Sanilac and Gratiot Counties becoming probate judges and the probate judges in Manistee and Benzie Counties serving as district judges.
- Reduce from two to one the number of probate judgeships in Calhoun County.
- Provide for the consolidation of the 25th and 26th District Courts in Wayne County and reduce from two to one the number of judgeships in the 26th District Court.
- Reduce from three to two the number of judgeships in the fourth division of the 52nd District Court in Oakland County.
- Reduce from two to one the number of judgeships in the 71st-A District Court in Lapeer County.

MCL 600.504 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in annual savings to the State, counties, and district court control units. State savings include the judge's salary, FICA (OASI and Medicare), travel reimbursement, and defined contribution retirement costs.

The current salaries of trial court judges are as follows:

Circuit Court Judge	\$139,919
Probate Court Judge	\$139,919
District Court Judge	\$138,272

The State Court Administrative Office estimates the annual average savings to the State from each eliminated trial court judgeship to be approximately \$157,471. Annual savings to the State from the nine judgeships eliminated by the bill would total \$1.4 million. The FY

2011-12 Judiciary budget reflected a \$942,100 reduction in trial court judgeship funding based on future reductions in the number of judges.¹

Local cost savings would include the judge's fringe benefits, the cost of court personnel, and the cost of equipment. Local savings and costs would vary between jurisdictions based on the number and compensation of staff associated with the judgeships. Public Act 228 of 2009 temporarily eliminated one circuit judgeship each in Macomb and Oakland Counties. Estimated annual local savings were \$570,000 and \$450,000, respectively. Smaller jurisdictions could realize smaller savings and be affected to a greater degree by consolidation costs.

Date Completed: 12-14-11

Fiscal Analyst: Bill Bowerman

¹ The State Court Administrative Office (SCAO) biennially reviews the judicial needs of the State. The 2011 Judicial Resources Recommendations (JRR) proposed the elimination of four Court of Appeals judgeships, the elimination of 45 trial court judgeships, the consolidation of the 25th and 26th District Courts, and the consolidation of the 45A and 45B District Courts. While the biennial review also indicated that there was a need for 31 judges in other courts, the JRR did not recommend the addition of any judgeships due to the cost implications for local government. The JRR recommended that all of the eliminations be achieved through attrition; therefore, the timing of the eliminations would vary based on when a judge left office. If all of the 2011 JRR recommendations were implemented, eventual annual savings to the State would be approximately \$8.0 million.

The 2011 JRR can be obtained at the following website:

<http://courts.michigan.gov/scao/resources/publications/reports/JRRSummary2011.pdf>

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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.