

JUDGESHIPS

House Bill 5121

Sponsor: Rep. John Walsh

House Bill 5122

Sponsor: Rep. Joe Haveman

House Bill 5123

Sponsor: Rep. Kevin Cotter

House Bill 5124

Sponsor: Rep. Tom Leonard

House Bill 5125

Sponsor: Rep. Kurt Heise

Committee: Judiciary

Complete to 11-6-13

A SUMMARY OF HOUSE BILLS 5121-5125 AS INTRODUCED 10-31-13

The bill would amend several sections of the Revised Judicature Act, based on the 2013 Judicial Resources Recommendations (JRR) report of the Supreme Court Administrative Office.

House Bill 5121 would impact the following judgeships:

- 16th Judicial Circuit (Macomb County) -- the bill would increase the number of circuit court judgeships in Macomb County by four.

[Public Act 228 of 2009 temporarily reduced the number of circuit court judgeships from 13 to 12 for a period of six years; the judgeship will be restored January 1, 2017. The bill allows the judicial circuit to add another two judges beginning January 1, 2019 and an additional two judges beginning January 1, 2021 (for a total of four new judgeships), subject to Section 550 of the act.]

The bill would amend Section 517 of the RJA.

House Bill 5122 would apply to the following judgeships:

- 6th Judicial Circuit (Oakland County) -- the bill would increase the number of circuit court judgeships in Oakland County by two.

[Public Act 228 of 2009 temporarily reduced the number of circuit court judgeships from 19 to 18; the judgeship will be restored January 1, 2015. The bill allows the 6th Judicial Circuit to add one additional judge beginning January 1, 2019, and an additional judge beginning January 1, 2021 (for a total of two new judgeships), subject to Section 550 of the act.]

The bill would amend Section 507 of the RJA.

House Bill 5123 would apply to the following judgeships:

- 17th Judicial Circuit (Kent County) -- The bill would add one circuit court judgeship (10 rather than 9), beginning January 1, 2015.
- 5th District (County of Berrien) -- The bill would reduce, by attrition, the number of judgeships from 5 to 4, beginning on the date on which a vacancy occurred (unless it occurs after a judge's successor in office has been elected but before that successor takes office) or the beginning date of the term for which an incumbent no longer seeks election or reelection to that office, whichever occurs first. (Judges are not eligible to run for election or reelection after the age of 70.)
- 25th District (Cities of Ecorse, Lincoln Park, and River Rouge) -- The bill would delete obsolete provisions effective January 2, 2015.
- The bill would allow, as specified in the bill, the governing bodies of the Cities of Southgate (28th District) and Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown and Grosse Ile in the County of Wayne (33rd District) to consolidate as of January 1, 2016, if the governing bodies of the municipalities approve the consolidation by resolutions. The 33rd District would be abolished.

[According to the JRR, four judges currently serve these two district courts, but the 33rd District is scheduled to lose a judge by attrition. The JRR recommends consolidating these two courts to create a three-judge court, which would result in a combined judicial excess of 0.49. These provisions would take effect January 2, 2015.]

- If the 28th and 33rd Districts do not consolidate, the bill would clarify that when a judgeship vacancy occurs in the 33rd District, the judgeship would not be closed by attrition on that date if the vacancy occurs after a judge's successor in office has been elected but before that successor takes office. This provision would take effect January 2, 2015.

The bill would amend Sections 518, 8115, and 8121 of the RJA.

House Bill 5124 would impact the following courts:

- 1st Judicial Circuit (County of Hillsdale) and 15th Judicial Circuit (County of Branch). Each judicial circuit is served by one judge. Beginning January 1, 2016, the bill would:
 - Consolidate the two circuits into one with two judges (the 1st Circuit).
 - Abolish the 15th Judicial Circuit.
 - Require all files, records, and pending cases to be transferred from the 15th to the 1st Judicial Circuit.

- Grant jurisdiction to the 1st Judicial Circuit to hear and determine all transferred cases with the same authority as though the cases had commenced in that circuit
 - Specify all orders and judgments of the 15th Judicial Circuit are appealable in like manner and to the same courts as applicable prior to January 1, 2016.
 - Beginning *January 2, 2016*, eliminate one of those two judgeships by attrition as specified in the bill. However, if two circuit judges are to be elected at the November 2020 general election in the 1st Judicial Circuit, for that election only the term of the candidate who receives the greatest number of votes would be eight years and the term of the candidate who came in second would be six years.
- 3rd Judicial Circuit (County of Wayne) – reduce from 60 to 56 the number of judgeships.
 - 18th District (City of Westland, two judges) and 29th District (City of Wayne, one judge) -- Allow the governing bodies by resolution to consolidate the two districts into one with three judgeships. If this took place before January 1, 2016, then on that date the 29th District would be abolished.

For the November 2018 general election only, the candidate with the greatest number of votes will serve a 10-year term and the runner-up will serve a six-year term. The clerks of each municipality would have to file copies of the resolutions with the State Court Administrator, who would have to notify the Elections Division of the Department of State that the consolidation had been approved.

By proposing or authorizing the consolidation of the two districts, the Legislature would not be creating a new obligation for any affected district control unit. Approval of a resolution would constitute an exercise of the unit's option to increase the level of activity and service offered beyond that required by existing law and a voluntary acceptance by that unit of all expenses and capital improvements resulting from the consolidation of the districts. Exercising the option to consolidate would not affect the state's obligation to pay the same portion of each judge's salary paid to other district judges, or to appropriate and disburse funds to the unit for the necessary costs of state requirements established by a state law that became effective on or after December 23, 1978.

- 25th District (Cities of Ecorse, Lincoln Park, and River Rouge) -- delete obsolete language.
- 33rd District (Cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the Townships of Brownstown and Grosse Ile in the County of Wayne) -- specify in the provision providing for a reduction in judgeships based on attrition, that the judgeship could be eliminated on the date on which a vacancy occurs, *unless the vacancy occurs after the judge's successor in office has been elected but before that successor takes office.*

The bill would amend Sections 502, 504, 516, and 8121 of the RJA.

House Bill 5125 would apply to the following courts:

- 61st District (City of Grand Rapids) -- delete obsolete language.
- 63rd District (County of Kent except the Cities of Grand Rapids, Walker, Grandville, Wyoming, and Kentwood) -- allow the addition of one judgeship beginning January 1, 2015. For purposes of the November 2014 general election, the candidate for an existing judgeship receiving the greatest number of votes would serve an eight-year term and the one with the second greatest number a six-year term. If a new judgeship were added beginning January 1, 2015, the term for the candidate receiving the greatest number of votes would be four years.
- 67th District (County of Genesee except the City of Flint) and 68th District (City of Flint) -- allow the governing bodies of the municipalities to approve a consolidation of the districts by resolution. Currently, the 67th District (county funded) has six judgeships divided between four election divisions. The 68th District (city funded) has five judgeships with one scheduled to be eliminated by attrition. Beginning the first January 2 after the approval for the consolidation, the 68th District would be abolished and the City of Flint would become the fifth-election division in the 67th District with five judges (if the consolidation was before the loss of the judgeship by attrition) or four judges (if after the judgeship had been eliminated by attrition).

The clerks of each municipality would have to file copies of the resolutions with the SCAO, who would have to notify the Department of State of the consolidation's approval. By proposing or authorizing the consolidation of the two districts, the Legislature would not be creating a new obligation for any affected district control unit. Approval of a resolution would constitute an exercise of the unit's option to increase the level of activity and service offered beyond that required by existing law and a voluntary acceptance by that unit of all expenses and capital improvements resulting from the consolidation of the districts. Exercising the option to consolidate would not affect the state's obligation to pay the same portion of each judge's salary paid to other district judges, or to appropriate and disburse funds to the unit for the necessary costs of state requirements established by a state law that became effective on or after December 23, 1978.

Under the bill, Section 8177, regarding consolidating a district of the third class with a district of the second class, would not apply to the consolidation of the 67th and 68th Districts.

- 70th District (County of Saginaw). The district is divided into two election divisions, each with three judges. The bill would eliminate one judgeship in the First Division by attrition. The bill would reduce the number of judgeships in the Second Division from three to two, but would increase that number back to three on the date on which the vacancy by attrition occurs in the First Division. The

judgeship transferred from the First to the Second Division would not be considered an additional judgeship for purposes of Section 8175 and could be filled by gubernatorial appointment if it were the result of a vacancy in the First Division.

The bill would amend Sections 8130, 8134, and 8135 of the RJA.

FISCAL IMPACT:

The bills would call for a total of 8 additions and 7 reductions in judgeships in various areas of the state. The bills would add seven circuit court judgeships and one district court judgeship; and would reduce circuit court judgeships by five and district court judgeships by two. These changes result in a net change of one additional judgeship to the state. The following table summarizes these judgeship changes by bill:

<u>Bill Number</u>	<u>Location</u>	<u>County/City</u>	<u>Addition/Reduction</u>
HB 5121	16 th Judicial Circuit	Macomb County	+4 circuit judges
HB 5122	6 th Judicial Circuit	Oakland County	+2 circuit judges
HB 5123	17 th Judicial Circuit	Kent County	+1 circuit judge
	5 th District	Berrien County	-1 district judge
	28 th and 33 rd District	28 th – City of Southgate 33 rd – Cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock	Consolidation – net effect is 0 judges
HB 5124	1 st and 15 th Judicial Circuit	Hillsdale and Branch Counties	Consolidation – net effect is -1 circuit judge
	3 rd Judicial Circuit	Wayne County	-4 circuit judges
	18 th and 29 th District	18 th – City of Westland 29 th – City of Wayne	Consolidation – net effect is 0 judges
HB 5125	63 rd District	Kent County	+1 district judge
	67 th and 68 th District	67 th – Genesee County 68 th – City of Flint	Consolidation – net effect is 0 judges
	70 th District	Saginaw County	-1 district judge

The state pays for the salaries, payroll taxes, and retirement benefits for circuit and district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and space are paid for by the local court system. Each circuit court judgeship costs the state \$158,791. This amount includes the circuit court judge's salary of \$139,919, payroll taxes of \$9,078, and retirement costs of \$9,794. Each district court judgeship costs the state \$157,005. This amount includes the district court judge's salary of \$138,272, payroll taxes of \$9,054, and retirement costs of \$9,679. Local costs vary from circuit to circuit and district to district.

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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.