Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 43 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 1-24-13

RATIONALE

Public Act 300 of 2011 amended the Revised Judicature Act to reduce judgeships and consolidate judicial responsibilities in several counties. The 2011 legislation provides that the probate judge for Clinton County will serve as judge of the 65th-A judicial district (Clinton County) beginning at noon on January 1, 2015. Public Act 300 also provides for District 65-A, which currently has one judge, to be reduced by one judgeship on that date. Reportedly, the chief judge of the 29th Judicial Circuit (Clinton and Gratiot Counties) and Clinton County's board of commissioners would prefer to keep the 65th-A district judgeship and instead reduce the circuit court by one judgeship.

CONTENT

The bill would amend the Revised Judicature Act to do the following:

-- Reduce the 29th Judicial Circuit by one judgeship, by attrition.
-- Delete a provision reducing the 65th-A Judicial District by one judgeship, and requiring the Clinton County probate judge to serve as a district judge, beginning on January 1, 2015.

Circuit Court

The 29th Judicial Circuit consists of Clinton and Gratiot Counties and has two judges.

Under the bill, beginning on the earlier of the following dates, the 29th circuit would have one judge:

-- The date on which a vacancy occurred in the office of circuit judge in the 29th circuit.
-- The beginning date of the term for which an incumbent circuit judge in the 29th circuit no longer sought election or re-election to that office.

District Court

Under the Act, until noon on January 1, 2015, the 65th-A Judicial District, which consists of Clinton County, has one judge. At that time, the probate judge for Clinton County will serve as a judge of the 65th-A district. The bill would delete the requirement that the probate judge serve as a district judge beginning at noon on January 1, 2015.

MCL 600.530 & 600.8132

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 2011 legislation will reduce judgeships and combine judicial resources in order to promote efficiencies in court operations. In Clinton County, one district judgeship will be eliminated and district court jurisdiction will be granted to the probate judge for that county. Evidently, local officials in Clinton County and in the county's courts would like the judicial reduction to occur in the circuit court for Clinton and Gratiot Counties instead of in the district court for Clinton County. By reducing the 29th judicial circuit

by one judgeship, and retaining one judgeship in the 65th-A judicial district, the bill would address local desires while still scaling back judicial resources in Clinton County.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The long-run impact of the bill would be to reduce the number of circuit court judges by one while also preventing the reduction of one district judgeship. Therefore, the total number of judges would remain unchanged, but there would be one more district judge and one fewer circuit judge. Circuit court judges cost the State approximately $159,000 per year while district court judges cost $157,000, so savings to the State for the salary, payroll taxes, and defined contribution retirement for the affected positions would be only $2,000.

Although the bill itself would not change the long-run number of judgeships, it would have an indeterminate impact on the timing of the reduction. Current law calls for the district judge position to be eliminated on January 1, 2015; the bill instead would have the reduction occur by attrition in the circuit court, and it cannot be known with certainty at this time when that attrition would occur. If the attrition occurred after January 1, 2015, then the bill would create additional costs to the State of $159,000 per year until the attrition occurred. Similarly, if the attrition occurred before January 1, 2015, then the State would realize savings.

Fiscal Analyst: Dan O'Connor

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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.